IMT Nuremberg Archives

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International Court of Justice

H0138 – 0001

H0138 - 0002

[redacted]

for 22 May, Morning

The first four lines on page 10104 should read as follows:

THE PRESIDENT: Dr. Siemers, I think yesterday we got to the stage whether any of the other Defendant's Counsel wishes to ask any questions.

DR. SIEMERS: (Counsel for Defendant Raeder) Yes, indeed, I believe Dr. von Luedinghausen wishes to examine the witness.

And on pages 10140 to 10143 inclusive, questions were put by Dr. Siemers and not by Dr. Sauter as it appears in the transcript.

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Official Transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 22 May, 1946, 1000-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: Dr. ~~Sauter~~ Siemers, I think yesterday we got to the stage whether any of the other Defendant's Counsel wishes to ask any questions.

DR. ~~SAUTER~~ Siemers: (Counsel for Defendant ~~Funk~~ Raeder) Yes, indeed, I believe Dr. von Luedinghausen wishes to examine the witness.

ERICH VON WEIZAECKER -- Resumed

DIRECT EXAMINATION -- Resumed

BY DR. VON LUEDINGHAUSEN (Counsel for defendant von Neurath)

Q Witness, I should like to put several questions to you about the activity of Mr. von Neurath in the capacity of foreign minister. At that time you were director of the political department of the foreign office. What were those dates?

A From the late summer of 1936, in a deputy capacity, and beginning with the spring of 1937, until the spring of 1938, in a full capacity.

Q But before then you had the opportunity to work with Mr. von Neurath, and on an occasion in the year 1932, in the autumn of that year, you attended the same disarmament conference at Geneva?

A Yes.

Q What tendencies did Mr. von Neurath follow, and what was the attitude that he represented at the disarmament conference? What was his position?

A The attitude of Mr. von Neurath was prescribed along the lines of the League of Nations; and disarmament was stipulated according to the treaty. He followed those lines.

Q In other words, he followed the same policy which his predecessors followed at this conference?

A It was always the same.

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Q All the regimes and all the governments before then were interested in bringing about peace and unity, and had followed their policies accordingly. Did Mr. von Neurath represent these same peaceful policies?

A I never noticed anything to the contrary in him.

Q At that time -- that is, in the year 1932,-- did you notice in any way that he had national socialist tendencies, or that he was sympathetic with the National Socialists?

A I had the impression that there was no common meeting point between him and national socialism.

Q Can you briefly give us his foreign political beliefs, and what he was at that time? Was he a belligerent or was he a representative of a determined peace policy and a policy of negotiation and understanding?

A I should like to say that Mr. von Neurath represented the peaceful revisionist policy, the same policy that had been carried on by his predecessors. He pursued a good neighbor policy, a policy of being good neighbors with all without binding himself in a political way in any manner. But as far as a war-like tendency is concerned in his political leanings, I never noticed anything like that at all.

Q In the year 1936, when you became one of his closest collaborators, did he change his political beliefs at all, or were they always the same?

A It was always the same.

Q He was especially interested in bringing about an understanding with England as well as with France; is that right?

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A I had the impression that Mr. von Neurath wanted to bring about an understanding with all sides.

Q I should like to put a few more questions to you which more or less show his relationship with Hitler.

According to your knowledge of the circumstances -- that is, as a collaborator of von Neurath -- was he of the opinion that he had the confidence at all times of Adolf Hitler during the time when he was foreign minister, and that Hitler allowed himself to be advised and lead by him?

A As far as I am in a position to judge, he was an advisor but not a confident of Hitler.

Q But there was a certain contact between both of these gentlemen; is that not right?

A I was never a witness to any such contacts.

Q Did you observe that von Neurath and Hitler met and frequently discussed political matters, and to the effect that those things which were to happen would happen? Did they discuss any matters like that?

A I can tell you this much only, that we of the foreign office regretted that the contact was not closer; and we were especially sorry since Hitler frequently was not in Berlin. We considered that the contact was not quite binding enough.

Q Then, you cannot speak of a close collaboration between Hitler and von Neurath?

A Not in my opinion, no.

Q And in your opinion and according to your observation, how did the activity of von Neurath effect foreign pollicy? Was he the leading man there, or was he a retarding element, a brake, so to speak?

A I have no clue to the effect that important foreign political actions were influenced by von Neurath. But I can well imagine that certain actions in the important political sphere --

THE PRESIDENT: (Interposing) I do not think we can have the witness can imagine. We cannot have the witness telling us what he can imagine. I think the question is too vague, and not a proper question to ask.

BY VON LUEDINGHAUSEN:

Q During the time when Mr. von Neurath was foreign minister, did any agency of the party influence foreign policies, and specially to the effect of being contrary to the tendencies of von Neurath?

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A I do not believe that. There was not only one agency but many who acted along these lines, and those were the agencies who had the connections and influence with Hitler. That was beyond control; but according to the outcome, one could gather that.

Q Do you know why, for what reason, the Anti-Comintern Pact, which in November of 1935 was concluded with Japan, was not signed by von Neurath but by then Special Ambassador von Ribbentrop in London?

A Wasn't that in 1936?

Q Yes, that is correct. that was in 1936.

A I assume for this reason, that Hitler liked to use several personalities for the same thing and then to select from among these personalities the one he considered suitable for carrying it through.

Q Was von Neurath in agreement with this Anti-Comintern Pact?

A That I do not know.

Q And what was the personal policy of von Neurath? Did he try to keep old officials in office or did he try to bring in National Socialist officials?

A Mr. von Neurath was always interested in keeping old officials whom he knew in the Foreign Office and to keep them in other positions as well.

Q And that was changed at the moment when he resigned?

A Not immediately, but later on to an increasing extent.

Q Now, just two more questions. What was the attitude of Mr. von Neurath when he was no longer Foreign Minister, when political questions became acute in the autumn of 1938 and when the Munich Conference was concluded? What was his activity in that connection?

A I recall a scene in the Reich Chancellory, --It took place on the day before the Munich agreement, -- on which occasion Mr. von Neurath very determinedly and decidedly advised that there should be a policy of appeasement and advised that they follow the suggestion of Mussolini to have a Four-Power conferenc

Q Do you know that, after the departure of von Neurath from the Foreign Office, the policy was that he was forbidden to have any more foreign political information?

A I do believe I recall that the successor of Mr. von Neurath reserved that sphere for his own.

DR. VON LUEDING HAUSEN: I have no further questions.

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DR LATERNSER: Dr. Laternser, counsel for the General Staff and the O.K.H.

BY DR. LATERNSER:

Q Mr. von Weizsaecker, beginning in the summer of 1943, you were German Ambassador at the Holy See in Rome?

A Yes.

Q At the same time, the Commander in Chief in the Mediterranean Theater was Field Marshal Kesselring?

A Yes.

Q That is, he was the Commander in Chief in this theater from the 25th of September, 1943, onward?

A Yes.

Q Before that time an Italian General had this post?

A Yes.

Q Were you frequently called in by Kesselring in order to arbitrate conflicts between the German authorities and the local population?

A There was a very close connection between Field Marshal Kesselring's and my own position, not only in order to clear up differences but, first of all, to prevent differences.

Q Did you, through you frequent contacts with Field Marshal Kesselring, receive impression of him, specifically, of the attitude of the military --

THE PRESIDENT: Dr. Laternser, you are asking about Field Marshal Kesselring. We are not trying von Kesselring. What relevance has this question got?

DR. LATERNSER: This question is relevant for this reason: In cross examination of Field Marshal Kesselring the Prosecution brought forth incriminating material to the effect that the military leadership in Italy did not follow the usages of war and the laws of humanity. I distinctly remember that, Mr. President, and this may be seen on Page 5805, and applied to an objection to Dr. Siemers that this concerned itself with an accusation against the General Staff. Through just a few questions, I should like to ask the witness about this material which incriminates the General Staff.

THE PRESIDENT: If you wish to ask him anything that he knows about accusations which have been made by the Prosecution against Kesselring as a member of the General Staff, then you may do that.

DR. LATERNSER: Yes, Mr. President. I started with that idea and that was to be a preparatory question.

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BY DR. LATERNSER:

Q Mr. von Weizsaecker, in the Italian theater of war, the objects of art of Italy, were they spared and were they put in safe keeping?

A The German Wehrmacht, the German Air Forces, under the leadership of Field Marshal Kesselring, went to the greatest trouble to spare church goods, the actual churches and church property. This, however, was a large chapter in the activities of the Field Marshal and his Staff and, of course, success was not wanting.

Q Can you give us one or two especially significant examples on this point?

A There is such a wealth of examples that I could like to mention only that six months or a year ago there was an exhibition of manuscripts which took place in the Vatican. These were objects which were saved, for the most part, through the activities of the German Wehrmacht; and the German Wehrmacht is to be thanked for it.

Q That is sufficient, Mr. von Weizsaecker. The High military leadership in Italy is accused of treating the Italian population especially harshly and cruelly. Can you tell us anything about the fact that, on the part of the high military leadership in Italy, certain measures were taken for the feeding of the population at a period of time when the food problem was a difficult one?

A This question is especially to the food problem?

Q Yes, the food problem in Rome.

A My sphere of observation was just Rome, and I can say in this connection that Field Marshal Kesselring told me one day that half of his days were being used up in concerning himself with the feeding of Rome; and I knew a higher military official -- I believe his name was Seiphart or something like that, who with great devotion concerned himself with this problem and carried it through with success.

Q Now, Mr. Witness, I come to my last question. Through your observation of the activities of the high military leaders in Italy you gained a clear picture of these people. Did you, through that observation, receive the impression that there was sincere effort to carry through the usages of war and the laws of humanity and to adhere to these?

A That is a matter of course. Otherwise, certainly success could not have come about. Perhaps it is not known here that in the autumn of 1943 the Holy See published a communique, an official communique, to the effect that the behavior

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of the German soldiers in Rome was being praised especially and the sparing of the Eternal City could not have been realized if the German Wehrmacht had not acted the way it did.

Q And that was a special merit of Field Marshal Kesselring?

A I would say that when the History of this time is being written, at the top of the list of merits will be Pope Pius the XII. Then praise will be accorded, in the second place, to the German Wehrmacht under the leadership of von Kesselring.

DR. LATERNSER: Thank you very much. I have no further questions.

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BY DR. KUBUSCHOK (Counsel for Defendant von Papen):

Q It was asserted that in the summer of '34, that the defendant, who has been made special ambassador to Vienna, from Vienna pursued a policy of aggressive expansion, including the entire southeast up into Turkey, and that, among other things, that neighboring states like Hungary and Poland received offers from himregarding total aggrandizement from the partition of Czechoslovakia. Did this policy actually exist?

A I'm sorry. I did not understand your question.

Q Did this policy, which I just outlined, actually exist?

A My observation dates only from the late summer of 1936, for before that time I was abroad. That Mr. von Papen carried on a southeastern policy from Vienna or that he was charged therewith, I did not notice. Even later, the Foreign Office could not charge him with such a mission for he was not subordinate to the Foreign Office.

Q And this policy, as I've just outlined, did that exist in the Foreign Office when you assumed your term?

A Please repeat the question.

Q Did this policy --

A Which policy?

Q Aggressive expansion on the part of Germany to the southeast up into Turkey, partition of Czechoslovakia, and the relinquishing of part of Czechoslovakia to Poland and Hungary.

A In the year '39?

Q '36, 1936.

A No.

RECROSS-EXAMINATION

BY MR. ELWYN JONES:

Q Witness, I want to ask you one or two questions about the Athonia matter. You have told the Tribunal that you, yourself, saw the American charge d'affaires and informed him about the middle of September that the Athonia could not have been sunk by a German U-Boat. That is so, is it not?

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A I did not see the American charge d'affaire in the middle of September, but on the same day on which I heard of the sinking, and that must have been, perhaps, the 3rd or 4th or 5th of September.

Q Were you already assuring the American representatives as early as that that a U-boat could not have been responsible?

A Yes, that's correct.

Q And did yourecommend or, rather, did the German Foreign Office recommend that the Commander-in-Chief of the German Navy should receive the American naval attache and tell him the same thing, namely, that a U-boat could not have sunk the Athenia?

A That I don't know. I only dealt with the charge d'affaire.

Q I'd like you to look at a new document, D-804, which willbe Exhibit GB-477, which is an extract from the SKL file on the Athenia case. You will see that that is a report from Neubauer to the Naval Attache and it reads as follows:

"The Foreign Office has had a report of the meeting between the Commander-in-Chief of the German Navy and the American Naval Attache on the 13th of September, 1939, passed on to it by telephone; it is worded as follows:

"On the 16th of September, at about 1300 hours, the Commander-in-Chief of --"

A I'm sorry; I haven't found the place as yet.

Q You may follow the English copy, witness, if you'd like. I read the second paragraph:

"On the 16th of September, at about 1300 hours, theCommander-in-Chief of the navy received the American Naval Attache on the advice of the Reich Foreign Minister, and told him more or less the following: He had intended for some days already -- as he knew -- to write him to visit him, in order to tell him his opinion about the sinking of the 'Athenia', in view of the continued baiting about it. However he had waited for the return of the submarine that had been employed in waging war against merchant ships, at the time in question which might possibly be concerned, in order to receive reports about their activity personally. He repeated most emphatically that the sinking of the 'Athenia' was not caused by a German submarine. The ship

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nearest to the place of the incident was at the time actually situated about 170 sea miles away from the place of the sinking. Besides this, the instructions according to which the commanders had to wage war against merchant shipping had after all been published. Up to date, in no case had these instructions been even slightly disregarded. On the contrary, an American captain reported a short time before about the particularly courteous and chivalrous behaviour of the submarine commanders."

Well, now, it's clear from that, is it not, that the German Foreign Office was most anxious to cover up this matter of the "Athenia" as best it could; was it not?

A No, there was nothing to be covered up.

Q When you discovered at the end of September that in fact it was the U-30 that had sunk the Athenia, there was then a good deal to be covered, was there not?

A I believe that I stated yesterday already that I received no knowledge to that effect.

Q Are you saying that you didn't know at the end of September, on the return of the U-30, that the U-30 had in fact sunk the Athenia?

A I do not remember that in any way at all.

Q When did you first discover that the U-30 had sunk the Athenia?

A (No answer).

Q When did you first discover that the U-30 had sunk theAthenia?

A According to my recollection, not at all during the war.

Q But I understood you to say yesterday that you thought that the publication in the Voelkischer Beobachter, accusing Winston Churchill of sinking the Athenia, was a piece of perverse imagination; is that right?

A Completely.

Q Are you clearly saying to the Tribunal that -- there you were in a responsible job -- are you saying to the Tribunal that youdid not discover the true facts about the Athenia until the end of the war, when you were directly concerned in the Foreign Office with this matter?

A I already yesterday told you everything that I know about this. It seems to me that it was realized later in the Naval Staff, that the sinking of theAthenia is to be traced back to a submarine: but I cannot

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recall that this fact was told to me or the Foreign Office.

Q At any rate, the defendant Raeder took no steps to correct the information that had been passed to theAmerican diplomatic representatives, did he?

A I do not recall at all that Admiral Raeder advised me or the Foreign Office of the fact.

Q Well, with regard to the defendant, Raeder took no steps to correct the information that had been passed to theAmerican diplomatic representatives, did he?

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Q Well, with regard to the defendant, Raeder took no steps to correct the information that had been passed totheAmerican diplomatic representatives, did he?

A I do not recall at all that Admiral Raeder advised me or the Foreign Office of the fact.

Q Well, with regard tothe defendant vonNeurath --

If it please the Tribunal, I'm not proposing to question the witness as to the earlier diplomatic history, as this Tribunal has indicated that it is desirable toreserve the matter for the defendants as they go into the witness's box later.

But I want to ask you a general question. What was the earliest date at which responsible officials of the Foreign Office like yourself first realized that Hitler intended to wage aggressive war?

A That the foreign political policy of the Hitler regime was a dangerous one, that I realized for the first time in May, '33, and I realized the development. The fact that an aggressive war was planned, perhaps, in the summer of 1938, did I realize that, but that the course of the foreign policy which we were pursuing might very easily lead to war.

Q Already in April, 1938, the foreign political situation was so tense that you sent a special memorandum to all German diplomatic representatives dealing with the situation and the situation of crisis.

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A That may be. May I be permitted to read the document?

Q I want you to look at document 3572-PS, which is a memorandum of the 25th of April, 1938, signed by yourself, and a copy of which was sent to all the German diplomatic representatives. It will be exhibit GB-478. That document reads:

"Since the work in the field of preparation for the mobilization has made further progress within Germany in the Armed Forces and in all civil-administrations including the Foreign Office, it is necessary now that in the case of government offices abroad corresponding measures also be taken in their area of jurisdiction without delay."

And then there follows a series of instructionas to the actions that are to be taken on the commencement of the period of crisis or of actual mobilization, and there is an insistence in the last paragraph, but one:

"I request the heads of offices, without waiting for further instructions to start considering now the measures to be taken into consideration in their sphere of activity in the case of a serious situation. In the interest of absolute secrecy it must be observed strictly that the number of people informed remains as restricted as possible."

That suggests, does it not, that as early as April, 1938, you were conscious of the imminent approach of actual mobilization; is that so?

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A May I ask whether this document is for the year 1938 or 1939? I can not quite distinguish the date.

Q 25 April 1938.

A That may be.

Q Now, you yourself were opposed to Hitler's aggressive foreign policy, were you not?

A I did not quite understand your question.

Q You yourself were opposed to Hitler's aggressive foreign policy, were you not?

A I personally, you mean? Completely.

Q Did you endeavor to persuade the defendant von Neurath also to oppose Hitler's aggressive foreign policy?

A Mr. von Neurath at that time was not Foreign Minister at all.

Q But he continuedto be a very important functionary of the Nazi state, did he not?

A I believe that his influence was even smaller than before this period, but I did keep in contact with him, and I believe that I agreed with his opinion and he with mine.

Q And yet he continued to serve th Nazi state, in particular, in a territory which was acquired as a result of this policy of aggression; is that not so?

A I should be grateful to you if you put this question to Mr. von Neurath rather than to me.

Q Now, you were in Italy and in Rome, were you not, in March of 1944?

A Yes.

Q You have given me some evidence as to the behavior of the German forces in Italy. Were you in Rome at the time of the massacres in the Adiantine caves? You remember the incident, do you not?

A Yes.

Q Where 325 Italians were murdered and 57 Jews were thrown in as a bit of make-weight. You were there when that happened, weren't you?

A I believe it was 320 prisoners who were murdered in this cave which you just mentioned.

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Q Were you consulted about that matter?

A No.

Q That was an action by German forces, was it not?

A I believe the German police, rather than the German armed forces.

Q And you know, witness, that there were many murders of that kind carried out by the SS during the period of German activity in Italy, do you not?

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A ; do not know about many murders which took place, but I know that th German police could do quite a bit in this connection.

Q You know that they left terror and brutality whatever they left their mark upon Italy; is that not so?

A The German Police, yes.

MR. ELWYN-JONES: I have no fuether questions.

THE PRESIDENT: Do you want to re-examine?

DR. SIEMERS: (Counsel for defendant Raeder) I have no more questions, Your Honor.

THE PRESIDENT: Then the witness can retire.

DR. SIEMERS: Mr. President, May I please be permitted to call my witness, Vice-Admiral Schulte Moenting.

ERICH SCHULTE-MOENTING, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Erich Schulte-Moenting.

Q Will you repeat this oath after me:

I swear by God, Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SIEMERS:

Q Admiral, please tell us briefly in what positions you were active in the year 1925 through 1945, with especial reference to the positions which were directly under Grand Admiral Raeder.

A 1925 to 1928, I was Marine and Naval Adjutant of Reichspresident Hindenburg, and simultaneously second adjutant of the Chief of the Marine Laeders.

From 1929 until 1933 I had several different positions.

From 1933 to 1937 I was First Adjutant with Raeder.

From 1937 to 1939 I had combat commands.

From 1939 to 1943 I was chief of staff with Grand Admiral Raeder. Then I

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became sea commander in southern France until the invasion, in connection with the commanding general in West Trojndheim.

After the collapse, I was for some months active with the British navy. Then in autumn I was interned in a general camp in England.

Q If you recall, please tell us the month in the year 1939 in which you started activity as chief of staff with Raeder.

A The first of January 1939.

Q Can you tell us briefly about the prestige of Raeder as a navy expe and especially his prestige abroad. I am referring only to navy technical matt

A Yes, I believe that because of the many years' service that I had with Raeder, I have an overall picture. Raeder for 15 years was the head of th Navy. He was known as a navy officer. He was known in the imperial Navy, and he was the opponent of the British Admiral Baity in the Skaggerak Battle.

THE PRESIDENT: Witness, will you kindly observe that light. When the yellow light goes on, you are talking too fast. When the red light goes on, you must stop.

A He was known through his literary activity at the time of the "Tirp era and later after the first world war he was known for his true works about the cruiser war of the last world war, and he received a doctor's degree for t and made his name in the technical field.

Q The defendant is accused of building up the navy with the intention of carrying on an aggressive war, even when the Treaty of Versailles applies -- as early as that.

A That is not correct. From all my conversations which I had with Rae the thought -- much less the word -- of an aggressive war was not mentioned. I believe that all of his actions and his directives contradict this.

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Q Were there any plans of a strategic nature carried out while the Versailles Treaty was operative, regarding an aggressive war?

A Never.

Q What basis was there for the maneuvers taken by the Navy in the years 1932 until 1939?

A They were only for protection and defense of the coastal waters.

Q Was a war with England considered as a basis for any one of those maneuvers?

A No, that was never considered, and I believe anyone would have considered anything like that impossible and nonsensical. I do remember that at the beginning of the year 1933 Raeder issued a directive to the commanders at the front regarding manuevers, where a maneuver directed against England was considered an impossibility, and it was prohibited to carry on a maneuver like that.

Q Mr. Admiral, it is known that the Navy, in the 20's, and with the knowledge of the then parliamentary regime, violated the Treaty of Versailles. These questions have been discussed a great deal here, and we can be brief. I should like to question you generally, therefore.

Is it possible to deduce aggressive intentions from these violations?

A No, I can say that is completely out of the question. The violations were so insignificant and were based only on protection and defense, so I believe it would be impossible to construe them as aggressive intentions.

Q Can you tell us briefly about a few points upon which these violations took place?

A First of all, they were limited to the establishment of coastal defense, coastal batteries, flak batteries, the laying of mines. All of that was based on defense or protection.

Q Were these violations against the Treaty of Versailles -- or, shall we say, the slight deviations -- make known to the Inter-Allied Commission in whole or in part, and did this commission in part overlook these things since these violations were really trifles?

A In reply to that, I would like to say it was an open secret.

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Q I should like to ask you, Mr. Admiral, to pause between question andanswer so that the interpreters can keep up. Will you pause just a moment after my questions.

Will you please answer this question once more.

A I should like to say that it was an open secret.

Q As proof of these violations of the Treaty with the intention of carrying through an aggressive war, the Prosecution has submitted several times the fight of the Navy against Versailles, submitted it as Document C-150. I shall have this document submitted to you in the original.

In order to save time, and in order not to burden the Tribunal with details, I should like to ask you not to go into detail. I should like to ask you only: What do you know about this document and what is the background of this document? When did itarise, and what is your opinion?

A I know this document. It originated on the basis of the attacks of the National Socialist regime in the years 1934 and 1935, and the prior regime and the Navy were accused of not having done enough previously to defend the nation, and not exhausting the possibilities of the Treaty of Versailles. Consequently, at that time it was planned to bring out a document of justification, and this document is to be considered in that light, that it is a source of justification for something that was omitted.

This document actually never was published. It was withdrawn andnot put into circulation because it was, as I would like to say, a rather weak attempt, for there are no definite points which you might classify as rearmament.

Q Was this memorandum disseminated within the Navy later on?

A No. As I have already said, it was withdrawn from the agencies which had this memorandum, and it was intensely criticized.

Q Did the withdrawal of this document originate with Raeder?

A I believe so, yes.

Q On the basis of this memorandum and another document by Assmann, the accusation has been made that the efforts of the construction firm

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in Holland took place under Raeder's direction, and in Finland and in Spain U-boats were being built for Germany. Is that correct?

A That is not correct. The U-boats which were designed by the Dutch firm and which were built abroad were not built for

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the German Navy, but for foreign countries.

Q Do you know for whom they were built, who received the boats being built in Finland?

A I believe Turkey received one and one went to Finland.

Q Then the ships were constructed for foreign orders and for a foreign country?

A Yes.

Q What advantages did the Navy have from their collaboration in the construction?

A We were only interested in maintaining the experience in U-boat construction which we had gained in the First World War, and therefore the Navy was interested in seeing that anyone who would construct U-boats should be active along these lines.

Q In your opinion, was that prohibited according to the Treaty of Versailles?

A No, I know no paragraph which would prohibit our activity in foreign countries along those lines.

Q In the beginning of February 1933, Grand Admiral Raeder made his first report to Hitler on behalf of the Navy. Do you know what Hitler, on that occasion, laid down as being the basic points for the rebuilding of the Navy, what he told Raeder?

A Yes, I recall this incident exactly, for it was the first report which the then chief of the Navy, Admiral Raeder, made to the Reichschancellor Hitler.

Hitler said to Raeder that the basis of his future policy was to be to live in peace with England and he wanted to try to reach a naval agreement with England. He said, further, that he wanted the German Navy to remain relatively small; he wanted to recognize Britain's naval superiority because of her position as a world power, and in accord with that he would try to suggest a relationship. He said that he wanted an understanding for the construction of our Navy, and he wanted us to take into consideration his political points of view. Raeder was impressed with the statements, for the agreed completely with his basic attitude.

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Q With this as background, in 1935 the German-British Naval Agreement was concluded. Looking at it generally and specifically, was the Navy, and specifically Raeder, pleased with this agreement, or did they see certain advantages in it?

A Raeder and the Navy were very very glad because of this agreement, even though, within a reasonable length of time, we were voluntarily taking upon ourselves a limitation. This agreement could be compared to the Washington conference, and we belonged to the smallest sea power. Even so, this agreement was generally hailed, for friendly relations to the British Navy were desired and we believed that if we were to follow a wise and measured naval policy, we would receive, in return, good will and faith on the part of England.

Q Do you know whether Hitler, as well, hailed the agreement in that form and approved it and whether he was pleased about it?

A Yes, I can affirm that. Raeder and I happened to be together with Hitler at Hamburg while this pact was concluded, and when he learned of this agreement he said this to Raeder, "This is the happiest day of my life. This morning I received word from my doctor that my throat trouble is insignificant, and now, this afternnon I receive this very glad political news."

Q You have already stated, Mr. Admiral, that the naval agreement was hailed by the Navy. Do you recall that in the year 1937 a qualified naval agreement was concluded with England? At that time, was the attitude of the Navy the same as it had been?

A Yes, absolutely. The naval agreement of 1937 was only a supplementary agreement. It was an exchange of reports, and even on the U-boat tonnage we had agreed with the British.

Q Mr. Admiral, referring to the U-boat tonnage, in the year 1935 there was an agreement on 100 per cent of the U-boats of the British U-boat tonnage, but Germany limited herself to 45 per cent and reserved the right to perhaps increase the tonnage to 100 per cent, but in that case she would be obligated to notify England and to discuss it with the British Admiralty.

Q Did this report about the increase to 100 per cent in the U-boat tonnage take place, and in what way did it?

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A After we had reached 100 per cent, Admiral Cunningham came to Berlin, and on that occasion it was discussed once more. Just how far there was written confirmation of this matter, I do not recall, but I assume that it actually did take place, for such was the sense of the agreement of 1937.

Q On the occasion of the visit of Admiral Cunningham in December of 1938, he explicitly gave the British agreement on the final equality of U-boats, that is, 100 per cent versus 100 per cent?

A Yes, I interpreted his visit to that effect.

Q Do you recall whether there was a specific conversation between Admiral Cunningham and Raeder in connection with this visit, whether any conversation took place where Admiral Cunningham rather generally discussed the relations between the German and British Navy?

A I had the personal impression that Cunningham and Raeder parted on amicable terms. At Cunningham's departure there was a breakfast for a rather limited circle, and on that occasion Cunningham expressed his pleasure at the conclusion of the naval agreement, and concluded his speech by saying that now that this question had finally been settled, in the future there should be no possibility of a war between both our navies.

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THE PRESIDENT: What is the date of this incident?

DR: SIEMERS: December 1938. I believe that is correct, Admiral.

THE WITNESS: As far as I remember, December 1938.

DR. SIEMERS: I remember the date from the testimony given by Grand Admiral Raeder. I myself knew only that it took place in 1938.

THE PRESIDENT: What Admiral Cunningham is it?

DR. SIEMERS: I am not a naval expe rt to that extent. Perhaps the Admiral can tell us. Do you understand t he question? Which Admiral Cunningham is involved?

THE WITNESS: The present Lord Cunningham. The older one of the two.

DR. SIEMERS: Mr. President, may I refer to the fact that it was the 30th or 31st of December 1938, which was the date in volved, as that is as far as Raeder recalls.

BY DR. SIEMERS:

Q Was Rader confident that Hitler would not start a war?

A Yes. Rader was confident of that 100 percent, and I believe as proof for that that I can state t hat actually in our building program in the period mentioned nothing was changed. It would have been necessary if one had entertained the thought of a conflict.

Q In what direction would the building program have been changed if you would have had desires for aggressive wars?

A At least the U-boat building program would have had preferential treatment.

Q Did you and the leading naval officers know, and was it clear to you, that a war started by Germany and a war of aggression would perforce bring about a conflict with England?

A Yes. From this fact we can see the proof that a war of aggression was not planned.

Q Admiral, now in 1938 and 1939 incidents took place

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which perhaps might have caused a justifiable scoptism. I should like to have you remember the crisis in the year 1938 in the autumn, the Sudeten crisis, in which a war almost broke out, and which was prevented only through the Munich agreement at the last moment.

I should like to call your attention specifically to the occupation of the rest of Czechoslovakia in March of 1939, which was contradictory to the Munich agreement.

What was the attitude of Raeder to this incident? You should really know his attitude since you were together with him practically every day.

A Since Hitler had stated expressly at Munich that he was interested only in the German areas of Czechoslovakia, and even though perhaps to the outside he was ready for negotiation, Raeder believed, and the leading circles in the Navy, that these things would be cleared politically.

At the occupation of the Czechoslovakian state a great restlessness arose without doubt among us, but we had always believed that Hitler would not put forth any extravagant demands or exaggerated demands, and that he would be ready to clear these matters politically and solve them politically, for we could not imagine that he would expose the German people to the danger of a second world war.

Q Before the agreement with Hacha was made under rather strange circumstances, did you know anything about the fact that allegedly a bombardment of Prague had been threatened, and did Raeder know anything about this?

A I do not believe that Raeder knew anything about this. I am hearing about this for the first time now.

Q Now I shall turn to the document L-79. This is a speech delivered by Hitler on the 23rd of May 1939.

A DR. SIEMERS: Mr. President, this is US 27, and is to be found in the document book of the British delegation,

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Number 10, page 74. I am submitting this document to the witness.

BY DR. SIEMERS:

Q This speech delivered by Hitler on the 23rd of May 1939 was recorded by the adjutant Lt. Colonel Schmundt. As far as I know, Raeder on the same day discussed this speech with you in detail. At that time for a period of about six months you had been chief of staff. From your later activity do you know the way in which the record was laid down? Can you tell me, please, is this a record as it is customary for military speeches?

A This memorandum can really not be considered a record--

THE PRESIDENT: Dr. Siemers, in the first place, your question was very much leading. You didn't ask him a question. You put into his mouth what had happened. That is altogether wrong. You ought to have asked him, if you wanted to prove a conversation he had with Raeder, whether h e did have a conversation with Raeder. You have told him he had a conversation with Raeder. The purpose of examination is to ask questions, and then he could tell us if he had a conversation with Raeder. He can't tell us whether this is a true account or a true form of the account when he wasn't at the meeting himself.

DR. SIEMERS: I wish to thank the High Tribunal, and I shall try to put the questions properly.

THE PRESIDENT: The Tribunal cannot listen to this witness' account or his opinion as to whether this is a true account of a meeting at which he was not present.

DR. SIEMERS: Mr. President, the regular records dealing with important incidents were put to the witness, as chief of staff, at his disposal. Since

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this document is of a decisive nature, I should like to determine whether Schult-Moenting as Chief of Staff received this record or whether he just had knowledge of the contents through the immediate report by Grand Admiral Raeder. I was aski my question to that effect.

THE PRESIDENT: Do you mean you want to ask him whether he ever saw this document? Yes, you may certainly ask him that. Ask him if he saw the document.

DR. SIEMERS: I beg your pardon, your Honor. The answer of the witness I believe was lost, and if I am correct --

THE PRESIDENT: Never mind about his answer. Put the question to him. Put the question to him, whether he ever saw the document.

DR. SIEMERS: I shall put the question.

BY DR. SIEMERS:

Q Admiral, did you see this document at that time?

A No, I am just seeing it for the first time here in Nurnberg.

Q How did you hear about the contents of the speech of the 23rd of May? How were you informed about the contents?

A After every speech or after every discussion, Raeder talked with me alon and after this speech Raeder gave me his impressions. These impressions of his contradicted the so-called minutes. Raeder did not have these impressions--I should say, this exaggerated war-like impression which this piece of paper has. But, on the other hand --

THE PRESIDENT: The witness must tell us what Raeder said to him. That is what I told you before. He may tell us what Raeder said to him.

BY DR. SIEMERS:

Q Admiral, I should like you to tell us just what Raeder told you.

A Raeder told me that Hitler in his speech had considered the possibility of a conflict with Poland, and that this was in contradiction to those things which he had discussed with him alone; and the speech in itself and per se was contradictory, self-contradictory. These were his impressions which he told me at that time, and he told me further that he, in connection with this speech, he had a conversation with Hitler alone at which occasion he called his attention to the contradictions contained in the speech, and, on the other hand, were also contradictory to the words which he had told him, with specific reference to clearing the matter of Poland in a peaceful manner.

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In this case he was considering a war-like solution of this question. Thereupon Hitler had pacified him completely and had told him that he had the politic situation firmly in hand.

At that time when Raeder asked him or rather called his attention to this contradiction and asked him just what he really intended to do, he had answered to this effect. This is the conversation as told to me by Raeder:

"I, Hitler, have three ways of keeping secrets, First of all, when both of us are speaking alone. The second, I, Hitler, will keep to myself. and the third those are problems of the future, the end of which I cannot foresee."

Raeder called his attention to the impossibility of a war-like conflict. Then Hitler replied: "These things may be interpreted as such." And this is what Raeder told me. "It might be that both of us were dealing with a comparison, I, Hitler--and a Mark is involved--I,Hitler, have already 99 pfennig. Do you believe that because of this one lacking Phennig you will call me to account?" And Raeder said "No". Then Hitler said "Now you will see. I have what I want, and I received it politically, and I do not believe that because of this last political question"--as we called it, the solving of th Polish corridor question --"that we shall be involved in a war with England.

Q And that was in a conversation between Hitler and Raeder after this speech was made?

A That was in this connection after this speech.

THE PRESIDENT: We will break off now.

(A recess was taken.)

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BY DR. SIEMERS:

Q Admiral, with regard to the records which I have shown you, I have one final question.

As Chief of Staff, generally, did you see all the protocols or the minutes which were sent to Raeder? Did you receive them?

A Yes, I saw principally, all the protocols, everything that was received and presented to Raeder.

Q Was Admiral Raeder of the opinion--excuse me, I should like to put the question differently.

What was the position of Raeder concerning Navy and politics?

A Raeder had the position that we, the Navy, had nothing to do with politics. He took that point of view over as a directive and a testament from the old Reich President von Hindenburg, who, at the time he called him to head the Navy, had made it his duty.

Q I now come to Norway. What were the reasons or the causes for Raeder, in September and October 1939, to consider a possible occupation of Norway?

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A These were the reports which came from various sources about alleged intentions of an occupation of Norway by the Allies. These reports came from the following sources: First, from Admiral Canaris, who was the chief of our counter-intelligence service; about onceea week he reported to Raeder as to recent information in my presence: secondly, the reports that came from the naval attache is Oslow, Korvettenkapitaen Schrieber and which indicated that the rumors were intensified that the Allies intended to drag Scandanavia into the war so that, if possible, the imports from Sweden to Germany could be stopp

We did not consider these reports, these rumors, altogether impossible because we had documentary evidence from the last World War that Churchill had had similar considerations concerning the occupation of Norway.

Q Was there another source of reports of that kind?

A General Admiral Karls, who was commander-in-chief of the group north had received similar reports and orally and in writing he reported them to Raeder.

Q Do you remember any details from these reports which you could give us, briefly?

A There were reports concerning British air crews camouflaged as civilians who were supposedly in Oslo. There were reports about Allied officers measuring along Norwegian bridges, viaducs and tunnels all the way to the Swedish border, which would indicate that one intended to use heavy equipment, tanks and guns. And last but least, there was news about silent mobilization of Swedish troops and the basis of alleged danger to the ore areas.

Q What danger arose to Germany because of that?

A If Norway would have been occupied in fact the conduct of the war in the north would have become almost impossible and would have been very difficult in the Baltic. The ore imports would have been stopped most probably. The danger from the air for north Germany and eastern territories North Sea and theBaltic would have been blocked completely, which would have led in the long run to the total loss of the war.

Q What did Admiral Raeder do on the basis of these considerations?

A He told Hitler about his concern by reporting to him.

Q When was that report made?

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A If I remember correctly, in the fall of '39

Q One moment please.

THE PRESIDENT: Dr. Siemers, until the adjournment, will you go very slowly because owing to the power of the electrical recording being off what is happening here in Court is impossible to take and therefore we have got to rely solely upon the shorthand notes which cannot be checked back against the electrical recording. Do you understand? Therefore I want you to go rather more slowly than usual.

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BY DR. SIEMERS:

Q Admiral, I ask you to do the same please.

When was the conference between Hitler and Raeder in which Raeder for the first time pointed out these dangers?

A In October, 1939.

Q According to the war diary that conference took place, which of course offhand you could not remember, on the 10th of October. At any rate you probably mean that conference.

A Yes.

Q On the basis of that conference did there come a final decision on the part of Hitler?

A No, in no way at all.

Q Between Hitler and Raeder were there continually discussions about that subject?

A No. First there were no further conferences until perhaps the end of the year concerning these subjects. Only when the reports, which I mentioned before, were received in increasing numbers, in more severe forms was that subject taken up again.

Q Do you know that Quisling in December 1939 came to Berlin and also spoke to Raeder?

A Yes, that is known to me and I took part in that meeting.

Q What did Quisling tell Raeder?

A Quisling came on the recommendation from Rosenberg and said he had important news of a military and political nature.
He confirmed, on the whole, all the facts which we knew already.

Q During that conference did you speak only about these military dangers?

A Only exclusively these things were mentioned and the discussion was a very short one.

Q One did not discuss political questions?

A No, not at all.

Q Do you know when Raeder met Quisling for the first time? At the occasion of that visit did Raeder have any closer connection to Rosenberg?

A No, he knew him from having just seen him several times.

Q Had Rosenberg told Raeder about the relations between Rosenberg and

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Quisling? Had he informed him before that time about it?

A No, not to my knowledge.

Q What did Raeder do when Quisling had confirmed the reports received from Canaris and other sources?

A Since as to Norway these matters were confirmed , which he had only assumed, Raeder considered this so serious that he went immediately to Hitler.

Q Do you also know what he suggested to Hitler?

A Hitler wanted to talk to Quisling himself.

Q And that happened?

A Yes, that occurred.

Q Was the final decision taken now concerning Norway, that is in December 1939?

A No, Hitler directed that as a counter-measure theoretical preparations should be taken for such a landing in Norway. To my knowledge a final directive came out only by the middle of March.

Q Was the landing in Norway an undertaking which you and Raeder considered a risky one or did one think it absolutely safe to do so?

A No, Raeder and the gentlemen from the Naval War Command and also the commanders of combat units saw the tremendous risk in that undertaking. May I remind you of the speech of Churchill in the House of Parliment where, after he had been questioned about that fact, he said that he did not believe that the German Navy would undertake that risk in face of the British Navy.

Q Do you know when Churchill made that statement, approximately?

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A I believe it was the 7th or 9th of April.

Q 1940?

A- Yes, 1940.

Q What was your estimation in the Naval Command as to risk of losses?

A Raeder had expressed to Hitler that he had to anticipate the complete loss of the fleet and that if the operations were to be carried out according to plan he would have to anticipate the loss of about 30 per cent of the forces used.

Q And how much was lost?

A About 30 per cent.

Q Considering the risk of the loss of the entire Navy, was Raeder from the beginning in spite of everything, in favor of that operation?

A No. He considered a neutral attitude on the part of Norway as much better than having to occupy that country.

Q The Prosecution has asserted that Raeder and the Naval War Command have recommended the occupation of Norway out of the desire for glory and conquest. What do you say about that?

A The desire for glory was not in Raeder's character. The plans for occupation which came from his desk bore the mark of daring, but also thorough planning, even to the most minute details. With the distance it was the German ports all the way to Narwik, it can be compared with the distance from Nurnberg to Madrid. And one does not use a Navy, just out of a desire for glory, to combat the entire British fleet.

Raeder told the Naval War Comman and the combat commanders that, against all the rules of the art of warfare, he had to carry out that operation becaus there was a compelling necessity to do so.

Q When did the actual drafting of the military operation occur at the Naval War Command?

A February 1940.

Q During the period from December 1939, until March, 1940, were reports coming in continuously from the sources you have mentioned?

A Yes.

Q When these later reports were received was there a clearer designatio

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of the landings discernible or didn't you see the details on that?

A Yes, concerning the areas between Narvik, Bergen, Trojndheim and Oslo.

Q Did Raeder -- excuse me; I want to put the question differently: What was the basis which Raeder put to Hitler for the relations between Germany and Norway?

A Is that --

Q I should have said the period after the operation was carried out and Germany had occupied Norway.

A Raeder in speaking to Hitler was for a policy of

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peace; and he suggested in several instances making peace with Norway. He was in agreement in that respect with the German commander-in-chief in Norway, General Admiral Boehm. Terboven, who was steering political matters, was of a different opinion.

Q Were there serious conflicts in that field between Terboven, his civil administration on the one side, and Raeder and Boehm and their assistants, especially Korvettenkapitaen Schreiber, on the other?

A Yes, there were serious differences of opinion, disputes and conflicts which were fought out all the way up to Hitler. Hitler at that time told Raeder that he could not make peace with Norway out of consideration for France.

Q Admiral, you said, "out of consideration for France." Wasn't it possible to conclude the peace with France also, and what was Raeder's position in that regard?

A Raeder also had the same opinion concerning France.

Q And what did he say?

A He tried to get a conference with Admiral Darlan in an effort to push these matters. He told Hitler when the Atlantic Coast was fortified he had pointed out to him that it would be better and more correct to conclude peace with France than to make sacrifices which would still be inadequate in the way of defense. And Hitler replied that he understood that but out of consideration for Italy he could not conclude a peace with France.

Q Did the conversations between Raeder and Darlan take place?

A Yes, near Paris.

Q Were you there? Were you present?

A No, Admiral Schultze, who was the commanding admiral in France.

Q Did Raeder tell you whether the results of the conversation were favorable?

A Yes, he told me of very favorable results.

Q Did Raeder report on that to Hitler?

A Yes.

Q And in spite of that, Hitler refused?

A In consideration for Mussolini.

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Q According to your knowledge, did the Party or the Leadership of the SS through Heydrich attempt to fight Raeder?

A Heydrich repeatedly attempted to put Raederand the Navy in disfavor through derogatory statements to Hitler. He took reports which were removed from their context and presented them fraudulently. Against these attacks, Raeder defended himself tenaciously and successfully.

Q Why was the Party against Raeder?

A That is a question which is very difficult to answer. I believe that essentially because first of all there were differences in the religious field. Many commanders, commanding officers, before they put to sea for combat turned to Raeder to see that during their absence their relatives would not be impeded in their freedom of religion.

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Q When did the first differences occur between Raeder and Hitler, and during what period did Raeder ask for his dismissal?

THE PRESIDENT: We have had that from the defendant himself, have we not? Raeder told us when we asked for it. There is no cross examination about it.

BY DR. ~~SAUTER~~ Seimers:

Q Then may I ask you what were the reasons why Raeder remained?

A First, because Hitler himself asked him to stay, and he made promises concerning the integrity of the navy.

THE PRESIDENT: The power is on again now; so you can go at your ordinar speed.

DR. ~~SAUTER~~ Seimers: Thank you, sir.

BY DR. ~~SAUTER~~ Seimers:

Q The power is on again; we can go a little faster now.

A Furthermore, at that time, there were considerations to merge the navy and the merchant marine into one ministry and to put party people in that ministry. We did not see a strengthening in that possibility, but a weakening of our force. Then there was a vacuum during that period, the period following, with reference to successes, because of illness and losses.

And last but not least, Raeder remained because the war was in force, for reasons of responsibility and patriotism.

Q Did you yourself ask Raeder to remain in office?

A Yes. I had to ask Raeder frequently and very seriously. Once I w ordered by Hitler to come to the Reich Chancellery.

Q When was that?

A In the beginning of 1939. He told me, in a long conversation, abou his point of view, and asked me to persuade Raeder to stay. Furthermore, he confidence in the navy, and enjoyed the confidence of the navy. All of the senior officers of the navy asked me orally and in writing to try to influence Raeder in that direction, that he should not leave his office before the time. Since 1928 he had led the navy through all its political crises.

Q Admiral, may I return again to your conversation with Hitler in the beginning of 1939? Did you speak with Hitler alone?

A Yes, that was a conversation alone, about an hour and a half.

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Q At that occasion, did Hitler tell you anything about his political plans?

A No; about political plans, not in that sense, but that which considers politics. But he had tried once more to bridge the political discrepancies with Raeder. He told me one could not weigh every one of his words.

Everyone that left him was always in the right. He came with protocols and witnesses; but his main interest was to incite his listeners to higher efficiency, but not to commit himself to individual words.

In the future, he promised, he would try to main the integrity of the technical questions of the navy.

Q You just said "not to weigh each individual word". Admiral, were the speeches of Hitler ever taken down correctly; that is, by stenographers?

A Yes, but to my knowledge only in the latter part of the war. Hitler protested against being tied down word for word, because everyone who listened to him returned home with his own opinion. He freed himself from his text; he thought out loud, and he wanted to carry his listeners away. But he did not want to be tied down to individual words.

I spoke about that to Raeder very frequently. We knew at all times what was expected of us, but we never knew what Hitler himself thought or wanted.

Q If you could not tie Hitler down to individual words, how did it come about later that in the latter part of the war his speeches were taken down by stenographers?

A I told you already that so many misunderstandings occurred. And Hitler as well as those who reported to him believed that everyone had convinced the other of his opinion. Thereupon, they introduced the written record. The minutes kept, up to then, were personal impressions, based on the initiative of the individual who wrote them.

THE PRESIDENT: What time is he speaking of? He said up to then the minutes had been kept on the personal initiative of the person who took them. What time is he speaking of?

BY DR. ~~SAUTER:~~ Seimers:

Q Since when, according to your recollection, were these minutes taken

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by the stenographers?

A Since 1942, I believe. It may also be 1941.

Q Since 1942?

A It may also be 1941. During the war, at any rate.

Q And your conversation with Hitler was in January, 1939?

A Yes, January 1939.

Q Admiral, how did the stenographic minutes look later? Did you see them?

A We repeatedly asked for excerpts from the minutes, and we tried to compare them with the prepared text. Even there, there were contradictions.

Q Now, I come to the period when Hitler prepared for war against Russi· I have shown to you the directive No. 21, concerning the "Case Barbarossa".

DR. ~~SAUTER~~ Seimers: Mr. President, that is document 446-PS, US 31, Document Book of the British Prosecution 10-a, Page 247.

BY DR. ~~SAUTER~~ Seimers:

Q The Prosecution hasasserted that Raeder -- that is to say, the leadership or the command of the navy -- had contributed to the draft of that directive; is that correct?

A No, that is not correct. The navy had nothing to do with that draft.

Q Did Raeder before that time have any knowledge of Hitler's plans of an aggression against Russia, before he received that directive?

A Yes, by an oral communication from Hitler to Raeder, perhaps in the middle of October 1940.

Q Did Raeder inform you about his conferences with Hitler concerning Russia? If so, what was Raeder's attitude concerning these conferences?

A Raeder informed me, because the case of war against Russia was much too serious to be treated superficially. Raeder opposed most energetically a war against Russia, for, I should like to say in fact, moral reasons, because Raeder was of the opinion that the pact or treaty with Russia could not be broken unless the other side gave cause for it.

That, asfar asRaeder knew, had not been the case in October. That economic treaty -- that is what we called it at that time -- to our knowledge

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was at the expense of the navy, about 90 per cent of it. We gave Russia one heavy cruiser, heavy artillery, heavy guns for battleships, fire direction installations, submarine engines, submarine installations, optical instruments for use on submarines. And Raeder was also of the opinion that the furore of operations should not be carried into the Baltic Sea.

The Baltic Sea was our back yard, I should like to say. All our recruits were trained there; all our submarine training took place in the Baltic Sea.

A He had deprived the Baltic coast in part of batteries and personnel already in order to have protection for the Norwegian and the French coast. He disposed of very small oil reserves; the synthetic production of oil was not yet completed and the Navy had to turn over some of its reserves to industry and agriculture. Consequently, Raeder had opposed seriously any plans of war against Russia.

Q Evidently, the prosecution believes that Raeder had only opposed the war against Russia concerning the date, and we have to look at the War Diary if we have information as to the date, is thatcorrect?

A No, that is not correct. After that Directive 21, called Barbarossa, was received, Raeder approached Hitler again with reference to the scheme against Russia; and he had also put down his thoughts in a memorandu. He tried to convince Hitler of the following: After Poland had been crushed, after France had been occupied, and after, for political reasons, an invasion of England was out of the question, he had expressed clearly that now the time had arrived where the further conduct of the war would not be decided on the Continent but on the Atlantic. Therefore, he told him this: To concentrate all forces at his disposal in the direction of one target and to try to hit the strategic centers of gravity of the Empire, especially supply lines of the British Empire, so that England would, under any circumstances, get ready for peace negotiations if possible. He suggested, as has been noticed before, that politics be used to conclude peace with Norway, peace with France, and closer cooperation with the Russian Navy, such as the basis of the economic treaty, the repurchase of submarine equipment and submarines. He has said in one word that the possibility to make the decision was no more on our side because we did not dispose of the necessary sea power and that, in view of the long duration of the war, danger of participation of the United States should also be considered; that, therefore, the war would not be decided on the European continent and could certainly not be won in the vastnesses of the Russian steppes. That point of view he continued to present to Hitler as long as he was in office.

Q Admiral, you testify that Raeder had protested, in principle, as you have expressed it, for moral reasons, reasons of international law.

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A Yes.

Q Why didn't that get into the War Diary whereasthe other reasons that you have mentioned could be found in the War Diary, at least they are hinted at?

A That I can answer, or at least give you an explanation. Raeder, as a matter of principle, in the presence of the gentlemen of the Naval WarCommand or combat commanders, never criticized the political leadership. Therefore, he did not, excepting to me, speak about the conversations which he had with Hitler except when it was necessary for the military cohduct of the war.

Q When were the preparations made by the Navy on the basis of Directive 21 that you have in front of you? Do you remember that?

A I believe about a quarter of a year later.

Q At any rate, certainly after the directive?

A Yes, after the directive.

Q Raeder acted on the basis of that, didn't he?

A On the basis of that, yes.

Q Was that directive already a final order or was it just a precautionary strategic measure?

A In my estimation one could not consider it an order, and that can be seen from Points 4 and 5.

Q In what way?

A Point 5 says that Hitler was still looking forward to reports from commanding generals, and after that Raeder reported to Hitler, after he had received the directive.

Q If you would like to look at it once more, is Figure 4 also in accord with your opinion?

A Yes, of course, evidently. The word "precautionary measures" is even underlined.

Q Precautionary measures for what? Was it neutrality or --

A In case of war against Russia.

Q I believe Admiral, since you have mentioned it yourself, you should point to that sentence where it says just what are theprecautionary measures.

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A "In case Russia should change her attitude, she is - - -"

THE PRESIDENT: He doesn't need to read the words. He has given his answer.

DR. SIEMERS: Very well.

BY DR. SIEMERS:

Q Was Raeder of the opinion at any time that he had succeeded in dissuading Hitler from the unfortunate plans against Russia?

A Yes. At that time, after that report, he came back and said: "I believe that I gout that out of his head." At first we did have that impression because in the following months there were no more conferences on that; to my knowledge, not even with the General Staff.

Q May I ask you quite briefly then about Greece. According to Document C-152, which I willhave shown to you, on the 18th of March, 1941, a report was made by Raeder to Hitler in which he asked to occupy the whole of Greece. What were the thoughts that caused the high command, that is Raeder and you, to make that suggestion?

A When Raeder asked for confirmation, such as it says here in the War Diary, that Greece should be occupied even in the event of a peaceful settlement, we, according to my recollection, had already been in possession of the document for three months, which was concerned with the occupation of Greece.

Q Excuse me. Was that Directive No. 20? I will have it shown to you. Is that the one you mean?

A Yes, Marita, that is the one.

DR. SIEMERS: Mr. President, that is 1541 PS; GB-13; in the Document Book of the British prosecution 10A, page 270, Directive 20, Enterprise Marita.

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BY DR. SIEMERS:

Q Admiral, what caused Raeder, aside from that point, to put that question again in the month of March; that is to say on the 18th of March?

A A few days before, a British landing had occured in the south of Greece.

Q Did this landing make it necessary to occupy the whole of Greece, for strategic reasons?

A Yes, indeed. A menace to the occupation from the sea or from the air and the formation of a Balkan front against Germany, or a menace from the air against the oil fields, had to remain excluded under all circumstances. May I remind you of the Saloniki enterprise in the First World War? That was a similar situation.

Q And also the prosecution says this had been directed by desire of conquest and glory. Is that correct?

A I should like to answer that glory can only be achieved by action and I don't see what the Navy could have conquered in the Mediterranean. We did not have a single man or a single ship there. Raeder, for the strategic reasons which I have mentioned, had to advise Hitler in that direction.

Q Did you know of Greek breaches of neutrality before this time, before we occupied Greece?

A We had been informed in 1939 that certain Greek political and military circles had been in the closest connection with the Allied General Staff, We know that Greek merchantmen put out for England and, therefore, we thought we were obliged to consider the Greek merchantmen which went into the combat zones to England as enemy ships. And in the beginning of 1940 or maybe the middle of 1940 we received information that the Allies intended to land in Greece; that is to say, to establish a Balkan front against Germany.

THE PRESIDENT: The Tribunal will adjourn at this time.

(A recess was taken until 1400 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 22 May 1946.)

ERICH SCHULTE MOENTING--Resumed
DIRECT EXAMINATION--Continued

BY DR. SIEMERS:

Q Admiral, for my last point dealing with the question of Russia, I shoul like to submit to you the document submitted by the Soviet Prosecution, Documer No. UK 45, equal to USSR 113. This Document concerns itself with the memorandum of the S.K.L. of the 29th of September, 1941, addressed to Group North under General Admiral Karle. Under "11" it is stated:

"At the outcome of the conversation between Admiral Fricks and Hitler, it is reported that the Fuehrer has decided to rape the City of St. Petersburg fr the ground."

Raeder has been accused that against this grave intention he did nothing and also that the S.K.L. transmitted this document, I should like to ask you, Admiral, did you know of this memorandum in the year 1941?

I beg your pardon. Mr. President, I should like to remark that at this moment I'm sorry to say, I had no photostat copy of this document. I tried to secure this copy. I have just received the copy and I should like to submit the photostatic copy at this point.

A This is the original which I have before me?

Q No, Admiral, it is only a copy which is exactly like the original, and it was reproduced for our own use exactly like the original.

Did you know this piece of writing in the year 1941?

A I did not. I am seeing this document for the first time at this moment; I did not know it in 1941.

Q Do you believe that Grand Admiral Raeder saw this memorandum before it was sent off, even though you, yourself, had not seen it?

A That must have been a wonder if it actually did take place. This piece of writing and the pieces of writing which were submitted to Admiral Raeder al went through my hands. They always had the notation, either "The Commander-in-Chief has knowledge of this," or it was initialled by me personally; or this piece of writing contained the notation "this decree or this directive is to b submitted to the Commander-in-Chief", and again my initials were contained the

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on, if that was the case. This copy which you have just submitted to me now, I never saw it before; I do not know it; and I consider it completely impossible that Grand Admiral Raeder had ever seen this piece of writing because on the 29th of September, 1941, I was in Berlin.

Q Admiral, what do you know about this question, that is Leningrad and the Navy?

A I recall that at the so-called general situation conference that the gentlemen of the S.K.L. reported on the intentions of the army and on that occasi the future of Leningrad was dealt with -- not Petersburg, Leningrad. The Raeder mentioned his wish that an operation would be taken into consideration that at all costs Leningrad should fall undamged into our hands, if possible, so as to enable us to build up shipyards and docks there for his Navy; and he also wanted that the army would be informed of his wish and that his wish was urgent; because of the imminent threat of an attack by air, that part of the dock capacity should be transferred to the east.

At this period of time we had begun to move installations to the east as far as possible, according to Raeder's wish. And he emphasized specifically that therefore, this city was to remain undamaged as far as possible; otherwise, he would have no space for his workers. And that is all I can tell you about the case of Leningrad.

Q Do you know that this wish on the part of Raeder was rejected by Hitler, who said it was not possible to spare the docks?

A No, I do not recall that this case was discussed again, The operation, as far as I know, came about very quickly.

Q did other high officers tell you anything at all about this document?

A No, I neither heard about this document nor did I see any reason to discuss this with anyone at all.

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DR. SIEMERS: Mr. President, if it is agreeable to the High Tribunal, I should like to submit the document which was granted to me, Exhibit Raeder 111. I submit it because of its connection with this conflict of questions. It is to be found in my document book VI, page 485. This is an affidavit given by Rear Admiral Hans Buetow, dated the 21st of March 1946. I should like to read this document since it is very brief.

THE PRESIDENT: What Page is this?

DR. SIEMERS: Page 485 in Document Book VI, Raeder Exhibit Number 111. It reads as follows:

"During the period of June 20, 1941 to October 20, 1941, namely, the period to which Document USSR 113 (UK 45) refers, I was stationed in Finland as naval commander. I was subordinate to Admiral Carls, the commander-in-chief of Group North. I guarantee that the document in question, USSR 113 (UK 45), or its contents, a letter of September 29, 1941, addressed by the Naval Operations Staff to Group North, have never come to my knowledge, which undoubtedly would have been the case if Admiral Carls had passed on the letter to the officer subordinate to him. Also, as far as I know, this letter was not brought to the attention of anyone else under my command.

"I myself first obtained knowledge of this order of Hitler in November 1945, on the occasion of a conversation I had with Dr Siemers, the defense counsel for Grand Admiral Raeder.

"I have also never been spoken to about this order by other officers, especially not by other naval commanders.

"It results from this that other commanders likewise had in no way knowledge of this order."

Then the stamp of the affidavit and of the naval judge who took down this affidavit.

BY DR. SIEMERS:

Q Admiral, then I should like to turn to a new topic. That is the alleged war of aggression which supposedly Raeder planned against America. Did Raeder at any time try to instigate

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Japan to a war against America?

A No, never. We never had any such discussions with Japan before her entry into the war. Quite on the contrary, he warned Hitler against a war with America, America who would be combined with England and have superiority.

Q For what reasons did you and Raeder, that is, the High Command, warn Hitler?

A First of all, following the reasons that I outlined before in the strategical framework of the position which Raeder took during the entire course of the war, Raeder considered the chief enemy on the sea rather than by land. If, in addition to that, the largest sea power in the world would have allied herself to England, then the war would have expanded beyond all proportions for us.

Through the reports of our naval attache in Washington, Vice Admiral Wiethoeft, Raeder was very well informed about the tremendous potential at the disposal of the United States.

I might also say about the conversion of economy into a war economy, the tremendous planning of shipyards which Wiethoeft expressed a few months before the war, that many tons per month could be launched, these figures spoke a very expressi language to us. At the same time, they were a tremendous warning to us. At no time did we underestimate the productive capacity and potential of the United States.

Q The Prosecution believes that it can draw its conclusions to the contrary, that Raeder, on the 18th of March 1941, according to the War Diary, proposed that Japan should move toward Singapore, attack Singapore.

A In my opinion, that was a correct measure, and a correct proposal, which was in line with Raeder's reasoning. He was interested in giving blows against important strategic nucleus points of England. That he tried to ease our situation is conceivable and is a matter of course, but at no time did he propose that Japan should attack America, but rather against England.

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Q Between you and Raeder on one hand, and Japan and military agencies on the other hand, were there any discussions about these strategic questions at this time?

A No, I have already stated that before the entry into the war Japan carried on no military discussions with us. The Japanese attitude was very reserved.

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Q Did Raeder ever discuss the fact that Japan should attack PearlHarbo

A No. We heard about this for the first time through the radio.

Q Admiral, during the time of your capacity in the High Command of the Navy, and especially in your capacity as a ommanding admiral at Trojndheim, did you have any knowledge about the treatment of prisoners of war at the hand of the Navy? Do you have any information as to that?

A I should like to reply vice versa. I know of no case in which Allied prisoners of war, as long as they were within the sphere of influence of the Navy, were treated otherthan chivalrously and correctly.

I can fall back on the testimony given by an English commander of the U-boat that attacked the Tirpitz, after his internment he returned to England and on the occasion of his decoration with the Victoria Cross he gave a press interview. On this occasion he lauded the chivalrous and correct treatment which he had received at the hands of the commander of the Tirpitz.

From my own experience I could give you cases in Norway where the members of the Norwegian resistance movement, who in civilian clothing were in our power, were treated chivalrously and correctly as well. I had to investigate these cases in the presence of British authorities, and the correct treatment was always proved.

Q When did you do this at the order of the British Military Government?

A After the capitulation.

Q Not Military Government. The British Navy?

A The British Navy at Trojndheim, in my capacity as commanding admiral.

Q And in the cases which were investigated there, first by you and then by the competent British Admiral, there were no objections?

A No, they gave out no objections, and the naval officer in charge handed the cases to me. I had to investigate them and had to present the results of my investigation.

Q And the results ?

A The outcome was good and correct, and there were no objections.

Q The result was presented to the competent British officer?

A Yes, at whose instructions I had to carry on the investigation.

Q Admiral, the case of the Athenia has been dealt with in detail before

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this Court and is well known to the High Tribunal. Therefore, in order to save time, I should like to touch this case in passing. I should like to have you tell me: Did the Supreme Command know, that is, did you and Raeder know, at the beginning of September 1939, that the Athenia had been sunk by a German U-boat?

A No. The commander-in-chief of the U-boats reported -- he reported thi on the 3rd -- that the Athenia could not have been sunk by a German U-boat sinc if I remember correctly, they were a distance of 70 sea miles from the scene of the incident.

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Q When did you learn that a German U-boat had sunk the Athenia?

A I believe two or three weeks afterwards, when this U-boat actually did return.

DR. SIEMERS: Mr. President, I should like to refer to a document, according to which the date was the 17th of September.

BY DR. SIEMERS:

Q Did you know that a declaration had been made by State Secretary von Weizsaecker to the effect that it was not a German U-boat, and the date involved was the 3rd, 4th, or 5th of September? When it was established that it actually had been a German U-boat, what did Raeder undertake to do?

A The assumption that it had not been a German U-boat was justified, and State Secretary von Weizsaecker acted in the best of faith, as we did. After this regrettable mistake became known, Raeder reported this fact to Hitler. Hitler, therefore, decreed that he did not want the statement which had been made by the Foreign Office stricken out or denied, and he decreed that the participants, that is those who knew, should remain silent and give their oath, and this period of silence was to be kept untilthe end of the war.

Q Did you give your oath of silence?

A I personally did not have to give my oath of silence, and neither did Admiral Raeder. Both of us were in the High Command, and with Admiral Fricke were the only ones who had knowledge of that, and we would have had to pledge each other.

Q According to Hitler's decree, you were obligated to get an oath from the others who knew about this?

A Yes. I am of the opinion that it was the crew of the U-boat, as far as the members of the crew knew that this mistake had actually taken place.

Q The Prosecution accuses Grand Admiral Raeder of not going to Mr. von Weizsaecker and telling him it actually was a German U-boat, and not telling the American naval authorities, "I'm sorry; it was a German U-boat after all."

A Such thoughts occurred to us as well, but we thought that any

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discrepancy which would bring about public disfavor in America was to be avoided, and stirring up this case once more would have aroused public opinion tremendously. I believe the Lusitania case during the First World Warwould be a case in point. To bring up this case again after a few weeks, and to arouse public opinion, and, in a way, to force entry into the war, would have been of very little value.

Q And that was the train of thought which caused Hitler to issue this decree?

A It was the thought that we had as well.

Q You said it was handled like that in order not to stir it up again, but regrettably, as you know, this case was again stirred up. On the 23rd of October 1939, in the Voelkischer Beobachter, a very unpleasant and disagreeable article appeared under the heading, "Churchill Sinks the Athenia". Do you remember that article?

A Yes, of course. That article was published without Raeder's knowledge and without the knowledge and aid of the Navy. I do not know who the author of the article was. It did come from the Propaganda Ministry, and Raeder and we in the High Command of the Navy were flabbergasted, less because this topic was being stirred up again, but rather because of the tone that was used since deliberately or unintentionally -- for we did not know -- there was a distortion.

We were obligated to silence, and just how much the Propaganda Ministry had been informed about this matter by Hitler, we did not know. Of course, we had no opportunity to speak with the Propaganda Ministry, and we were completely surprised when this article appeared several weeks later in the Voelkischer Beobachter. We were especially upset, first of all, since it was basically against policy that leading foreign statesmen be attacked in such a sharp and intense manner. In addition to that, the facts were completely distorted, and besides -- this may be important also -- in this case we were attacking the opponent of Raeder and there was no reason for making derogatory remarks about this opponent before the German public.

Q Now, my final question: Did the Propaganda Ministry call you or Raeder before this article appeared?

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A No, no.

Q Then I should like to turn to the last question of my examination.

THE PRESIDENT: Dr. Siemers, that is about the sixth final question you have asked.

DR. SIEMERS: I beg your pardon, Mr. President.

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Perhaps I was not interpreted correctly. I meant to say that it was my final question to the complex of the Lithenia problem. Now, this is actually the final question which I wish to put.

BY DR. SIEMERS:

Q The Prosecution accuses Grand Admiral Raeder of not supporting General von Fritsch after he had been freed following a court proceeding, and the Prosecution accuses Raeder of not using his influence in reestablishing Fritsch in office and in dignity. Is that correct?

A No, that is not correct. Raeder gave me the file of the legal proceeding against Fritsch in the first month of the year 1939. He gave me the file to keep in my safe. At that time he told me how the course of the proceedings had influenced him and what his impression was, and he also told me that he had offered to have Fritsch reestablished completely, going so far as to have him reinstated in his previous office and position. Von Fritsch thanked him for that and told him personally that he would never assume his former office again, that he would never consider returning because of the incidents that had taken place, and he requested Raeder not to put forth any more effort in his behalf along these lines.

On the whole, Fritsch and Raeder were very close personally, although it would be too much to say that they were very good friends.

DR. SIEMERS: Thank you very much, Admiral.

Mr. President, I have no further questions.

THE PRESIDENT: Does any other member of the defendants' counsel want to ask any questions?

BY DR. KRANZBUEHLER (Counsel for the defendant Doenitz).

Q Admiral Schulte-Moenting, you just now mentioned the correct treatment given prisoners who had made an attack on the Tirpitz. Do you mean by that, the attack of November 1939?

A Yes, that is the one I mean.

Q Was it a two-man U-boat?

A Whether it was a two-man or three-man U-boat, I don't know, but it was a midget U-boat. Several U-boats attacked simultaneously. Some of them were sunk, and the commandant of the one which was successful attacked the

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Tirpitz. I believe he was the one who was taken prisoner.

Q And this commandant was treated according to the Geneva convention?

A Absolutely.

DR. KRANZBUEHLER: Thank you very much.

THE PRESIDENT: Does the Prosecution wish to cross examine?

CROSSEXAMINATION

BY MR. ELWYN JONES:

Q Witness, I want to ask you first about the Athenia episode. I take it you agree that the article in the Voelkischer Beobachter was thoroughly dishonorable, lying, and discreditable.

A I heard nothing at all in German.

Q I will repeat my question. With regard to theAthenia -- do you hear me now?

A Yes.

Q With regard to the Voelkischer Beobachter article on the Athenia, do you agree that it was a thoroughly dishonorable publication?

A Yes, I agree that it was a dishonorable publication, untrue and dishonorable.

Q Perhaps if you keep your headphones on -- I have a number of questio to ask you, I'm afraid -- it might be more convenient for the work we have to do.

You say that the defendant Raeder thought it was dishonorable?

A Yes, he did as well.

Q What action did he take to manifest his displeasure?

A In this case he valued the interest of the state more than a newspaper article. The interests of the state could be interpreted along these lines, that in any event all complications with the United States were to be avoided.

Q That appears to be a characteristic on the part of Raeder that runs throughout the history from 1928 to 1943, that throughout he put what he thought were the interests of the Nazi State before conditions of morality, honor, and public decency, is that not so?

A That I do not believe. I believe that in these cases he acted like a good patriot would act.

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Q You see, with regard to the invasion of Russia, for example, you said to the Tribunal that on both moral and strategic grounds, Raeder was against the invasion of Russia. Why did he not resign?

A First of all, I must reply and tell you his replies to Hitler about his picture of a war with Russia.

First of all, he saw a conflict, andhe did not see any possiblity of circumventing this conflict for the following reasons: First, because of t the personal attitude which he, Hitler, had received on the visit of Molotov, a visit which had taken place in the meantime. I mean between the directing and the carrying through.

Point two: The fact that supposedly the economic negotiations had not only been carried out falteringly, but, as Hitler said, in the form of blackmail.

Thirdly, as he had heard from the German General Staff, the deployment and mobilization on the Russian side had taken on such a scope, and he, Hitler, did not want to wait for an attack from the other side because of the dangers involved, for Brandenburg or its capital and Silesian industry, and then of course, Raeder had to agree that these arguments could not be refuted, for he was not in a position to prove the opposite.

Q You are not suggesting that you thought that the war between Russia and Germany was a defensive war so far as Germany was concerned, are you?

A No, we were of the opinion that the deployment of troops on both sides had reached such a point that the time for the discharging of the thunder was not too far distant and that from the political point of view, if he sees that he can not prevent a conflict, he would like to have the advantage of giving the first blow.

Q The invasion of Russia was a brutal aggression on the part of Nazi Germany, you admit that now, do you not?

A Yes, I do admit that.

Q I want you to turn your mind for a moment, if you will, to document L-79, which is in the British document book 10, page 74. Those are the minutes of the Hitler conference on 23 May 1939 which you discussed in your

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evidence in chief this morning. I take it that you have read those minutes, witness?

A May I look at them now, please? I have never known the minutes up until this point, and if I should be asked about them I would have to read them in toto.

Q You need not trouble to do that, witness. You gave evidence this morning as to Raeder's discussion with you about this conference. Didn't Raeder tell you that Hitler ha d said on 23 May 1939, for instance,

"There is no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czechoslovakian affair. There will be war."

Then further,page 76 of the report:

"The Fuehrer doubts the possibility of a peaceful settlement with England. We must prepare ourselves for the conflict. England is our enemy, and the conflict with England will be a life and death struggle."

Then the next paragraph but one:

"The Dutch and Belgium air bases must be occupied by armed force. Declarations of neutrality must be ignored."

I am suggesting to you that those statements of Hitler's represented Hitler's considered policy, and that that policy was in fact carried out in the field of action. Is that not so?

A First of all, I would like to correct a mistake. I thought that you had given me a record on Poland. I saw it in a different version, and I thought it was a different record. If it is the same record which I mentioned this morning, I should like to state again that Raeder, of course, did not agree with this record as put down by Schmundt.

Q Just one moment, witness, if you please. I have read out certain extracts from that document, which I take it that you heard interpreted. Do you agree with me that those extracts represented Hitler's considered policy at the time and that that policy was in fact carried out in the field of action?

If you keep your headphones on--Iknow it it is difficult. Just move them back if you wish to talk.

Now, see if you can answer my question.

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A I should like to remark in this connection that Hitler in his speeches pursued a certain purpose. In the preparations for war he saw a means for political pressure, and at that time he was using the phrase "war of nerves", which was used not only in Germany but was broadcase over the air, even beyond the boundaries of Europe. Through this he tried to use a means of preventing war, as well as of war pressure, and this document, per se, contains contradictions which permit us to gather that he himself could not have meant this document to be taken seriously -- that it could not be a warlike conflict, and I can prove this by saying that he said that the General Staff might not concern themselves with this question, and toward the end it says that all the parts of the Wehrmacht must work together for the purposes of state. He says that a war with Poland may not bring about a war with England, and our policy hasto see to it. Then in the next paragraph he says, "But if a war actually does arise, I shall strike sharp blows for a decision."

In the next paragraph it says, "But I need ten to fifteen years to prepare," and in the concluding paragraph it says that the building program of the navy will not be changed.

If, therefore, Hitler at that time had been convinced of the seriousness of his speech and had believed in the seriousness of the speech, that there should be an armed conflict with Poland in a short time, then he would not have argued to the fact, first of all, that we have time until 1943, and there will be no changes for the navy in this connection. Then he would have said to Raeder, "Please, in allhaste, prepare a strong U-boat program because I do not know what course events will take."

Q But it is a fact that at about this time, the Fall Weiss Operation was being prepared to the very last detail, was it not? That was the operation against Poland.

A The operation was prepared to such a stage that when it was put back our forces at sea could not even be reached through wireless. The policy had been forced to the breaking point, and we thought that we could use a war of nerves. At the last minute, everything was held back, and we believed tha without doubt, it was only a means of pressure, and we did not believe that it would be an outbreak of war. Only when the cannons spoke were we convinced

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that from then on the war was not to be prevented. I personally believe --

Q If you would shorten your answers as best you can, it would be very convenient.

I want to go from Poland to Norway. The first conference of the defendant Raeder with regard to Norway took place on 10 October, you have told us. I want you to hear the record of that conference, which is found in Admiral Assmann's headline diary. It is dated 10 October 1939:

"Raeder stresses importance of obtaining Norwegian bases, Trojndheim, and that occupation of Belgium coast provides no advantage for U-boat warfare."

I suggest to you that the interests of the German navy in Norway from the point of viewof requiring submarine bases was manifesting itself at that time; is that not so?

A May I look at this document first? It is unknown to me.

Q You shall see the original diary, if you want to re-assure yourself that I am reading it correctly.

(A document was handed to the witness.)

A In this sentence, I can not find any belligerent intentions. It says specifically that he is interested in the winning of Norwegian bases.

Q That is all I am putting to you at the moment. Do you know that on 3 October the defendant Raeder was sending out a questionnaire upon the possibility of extending the operational base to the north, and upon the basis that it would be desirable for German power to acquire?

MR. ELWYN JONES: I am referring to document C-122, My Lord. Document C-122is in document book 10 at page 91.

BY MR. ELWYN JONES:

Q If you will look at that document, witness, you will see in the second sentence:

"It must be ascertained whether it is possible to gain bases in Norway under the combined pressure of Russia and Germany, with the aim of improving fundamentally our strategic and operational position."

Then there follow these questions:

"What places in Norway can be considered as bases?

"Can bases be gained by military force against Norway's will, if it is

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impossible to carry this out without fighting?

"What are the possibilities of defense after the occupation?

"Will the harbours have to be developed completely as bases, or have they possibly already decisive advantages as supply positions? (F.O.U-boats alre considers such harbours extremely useful as equipment and supply bases for Atlantic U-boats to call at temporarily.)

"What decisive advantages would exist for the conduct of the war at sea in gaining a base in North Denmark, e.g. 'Skagen?"

Now, I suggest to you that those documents are the clue to the German invasion of Norway. Do you not agree with that?

A No, so far as the purely operational plans are concerned, I can not see any aggressive purposes in there. This morning I said that to the best of my knowledge, Admiral Karls already in September sent a letter to this effect to Raeder in which he expressed concern and stated plans in case of an Allied landing in Norway.

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Q. The source of information which the defendant Raeder was receiving you discussed this morning, but one source that you did not give was the Norwegian traitor Quisling. The relations between the defendant Raeder and he were very close, were they not?

A. There was no connection at all. December of 1939 Raeder met Quisling for the first time in his life, and never again after that.

Q. After December Quisling's agent Hagelin was a very frequent visitor with the defendant Raeder, was he not?

A. I do not believe that Hagelin visited Raeder but once or twice. I believe that he called on Raeder for the first time when he accompanied --

Q. Well, Raeder was in very close touch with Quisling's secretary, was he not?

A. No. Raeder had nothing at all to do with the Quisling movement.

Q. A man, Erich Giese, who was an administrative employee of the Supreme Commander of the Navy in Berlin --

A. I did not quite catch the name.

Q. Giese, g-i-e-s-e-. Part of his duties were to receive all visitors of the Supreme Commander. He was an assistant of the Supreme Commander's Adjutant and he was dismissed ffom his post in April 1942. No doubt you recollect the man.

Q. Will you please tell me the name again? Although it was spelled to me I did not catch it. Is this a Norwegian we are dealing with?

Q. A German subject, an employee of the Supreme Command of the Navy. Part of his duties were to receive all the Supreme Commander's visitors, to accept applications for interviews, and draw up the list of visitors for the Supreme Commander. Now you are looking at an affidavit from this man, Document D. 722, G.B. 479.

THE PRESIDENT: Has the witness answered the question yet?

MR. ELWYN JONES: Not yet, My Lord.

THE WITNESS: I just received now from this gentleman -- the man you are talking of was in one of the ante-rooms of the Adjutant's office, and who was to be admitted into the inner office was not up to this man, that was up to m

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and I asked them first what their reason for calling was. Mr. Hagelin was not admitted before Quisling, not before December '39.

BY MR. ELWYN JONES:

Q. I am not suggesting that but I am suggesting that after December '39 there was a very close link between Raeder and the Quisling movement. I just read out to you this extract from the affidavit of this man. From page 3, My Lord, of the English translation:

"I can state the following about the preparations which led up to the action against Denmark and Norway: An appointment with the Supreme Commander was frequently made for a Mr. Hagelin and another gentleman whose name I cannot recall at present, through a party official of Rosenberg's Foreign Political Bureau; as a rule they were received immediately. I also received instructions accordingly that in the event of a Mr. Hagelin announcing himself personally, I should always take him to the Supreme Commander at once. I then learned after a short time that he was a Norwegian agent. The gentleman from the Foreign Political Office who frequently accompanied him and whose name I cannot recall either any more, also conversed with me and trusted me, so that I learned about the Raeder-Rosenberg discussions and about the preparations for the Norway campaign. According to all I heard I can say that the idea of this undertaking emanated from Raeder and met with Hitler's joyous agreement. The whole enterprise was disguised by the pretence of an enterprise against Holland and England. One day Quisling too was announced at the Supreme Commander's through Hagelin and was received immediately. Another part in all these negotiations was played by Lieutenant Commander Schreiber of the naval reserve, who was later Naval Attache in Oslo and knew the conditions in Norway very well. He worked with the Quisling party and its agents in Oslo."

A. That might be true up to a certain degree but the fact is that at that time after the visit of Quisling I told Hagelin that if he had naval reports in the future I was asking him to give them to me.

Q. Defendant Raeder never met Hagelin?

A. Before December. Later he did not receive him any more.

Q. He in fact received Hagelin and took him to Hitler on the 14th of December '39, did he not?

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A. He was accompanied by Quisling, that is correct. But he did not hav any discussion with Raeder alone.

Q. You spoke this morning as to conference between Quisling and Raeder o the 12th of December '39 and suggested that politics were not dicussed at that conference.

A. By the word 'politic' I mean something which applies to National Socialistic tendencies on the German side and National Socialistic tendencies on the other side. The matters discussed were only Naval political matters.

Q. I am not going into a discussion of the question of politics with you I will consider the familian German definition that politics is a continuatio of war by other means. But if you look at the document C. 64 you will see that political problems were discussed on the 12th of December. You see that is a report of Raeder to Hitler. It is on page 31 of the document book 10-A; in which Raeder writes:

"Quisling creates the impression of being reliable and states that: 'As a result of the Russo-Finnish conflict, anti-German feeling in Norway is even stronger than hitherto. England's influence is very great, especially through Storthing -, President Hambro, Jew, a friend of Hore-Belisha, all-powerful in Norway just now. Quisling is convinced that there is an agreement between England and Norway for the possible occupation of Norway; in which case Sweden would also stand against Germany. Danger of Norway's occupation by England is very great - possibly very shortly. From 11 January 1940 onwards the Norwegian Government is unconstitutional as Parliament in defiance of the constitution prolonged its term by a year.'"

Politics was very much under discussion at that conference, was it not? You have said that the defendant Raeder was anxious for peace with Norway. Was it for peace with a Norway ruled by the traitor Quisling?

A. In reply to your first question I would like to say in the record the refers to the matter that in these incidents one can never know as to the peo involved, how far they were furthering their own politics and how far German interests and politics were protected. From this document just submitted to me, in my opinion I wanted to say as to Raeder and Quisling that no party

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business, party affairs, were discussed to any agreement on these matters, and this was not politics with him but rather, he discussed facts with him. Quisling of course in a preamble mentioned certain things and he also called attention to the fact what he actually agreed with was not party matters but what should be above these matters.

Q. The defendant Raeder was preferring the reports of Quisling to the reports of the German ambassador in Oslo which were entirely different from the reports of the traitor Quisling. That is so, is it not?

A. I would say that Raeder never saw the reports from the German Ambassador at Oslo. I at any rate do not know these reports.

Q. I want to ask you next about the relations with the United States of America. When did the German Admiralty first know of Japan's intention to attack the United States?

A. To my knowledge I can speak only about Raeder and myself. I have opinion only at that moment as to the attack on Pearly Harbor which took place.

Q. You received a communication from your German Naval Attache at Tokio before the attack on Pearly Harbor indicating that an attack against the United States was pending, did you not?

A. Pearl Harbor, no.

Q. United States Forces. Just look at the Document D. 872, which will be exhibit G.B.480. You will see that those are extracts from the War Diary of the German Naval Attache in Tokio. The first entry is dated the 3d of December 1941:

"The Naval Attache extended an invitation to several officers of the Japanese Naval Ministry. It transpires from the conversation that the negotiations in Washington must be deemed to have broken down completely and that, quite obviously, speedy military action to the South by the Japanese armed forces is to be counted on."

Then on the 6th of December 1941:

"Conversation with Commander Shiba. The outcome of the conversation is reported to Berlin in the following signal: 'Naval Attache 1251 Top Secret. Last week America proposed a non-aggression pact between the United States,

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Britain, Russia and Japan. In view of the Tripartite Pact and the high compensatory demands, Japan rejected this offer. Negotiations have therefore completely broken down.

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"The Japanese Armed forces foresaw this development and consented to Kurusu's being sent only to impress the people with the fact that no stone had been left unturned.

"The Japanese Armed Forces have already decided (three weeks ago) that war is inevitable, even if the United States, at the last minute, should make still greater concessions. Corresponding measures are under way."

And then I won't read the whole document and at the end it says:

"A state of war with Britain and America would certainly be established by Christmas. From this I got the impression: in three weeks."

Assuming that signal reached you before the 8th of December, you became familiar with the plans of the perfidious attack upon the United States, did you not?

A I don't quite follow the sense. I have already said that we in Berlin had no conferences with the Japanese attache. I asserted that we had knowledge of the Pearl Harbor incident and that by radio, and I cannot quite say whether on the 6th of December the Attache at Tokyo told us about the presumption or it was drawing conclusions from sources which we could not control about a conflict which was to arise. There is no connection with the fact that we in Berlin advised the Japanese to attack America.

Q You say that you had no conversations in Berlin with the Japanese Attache?

A To my knowledge no official conference between Admiralty Staff and Admiralty Staff, that is, an official operative conference between the SKL and the Japanese Admiralty Staff.

Q Before you part from that document, I want you to read paragraph 5. My document reads:

"No exact details are available as to the zero hour for the commencement of the Southern Offensive. All the evidence, however, indicates that it may be expected to start within three weeks, and simultaneously attacks on Siam, the Phillipines and Borneo will be launched.

"The Ambassador has no knowledge of the transmission of the telegram, but is acquainted with its contents."

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THE PRESIDENT: With reference to what the witness has just said, I don't know whether I understood him before, but what I took it to mean was that the German Admiralty first know of the Japanese attack after Pearl Harbor, not that he knew about it before by radio.

MR. ELWYN JONES: That is also my thought.

BY MR. ELWYN JONES:

Q I am suggesting to the witness he knew perfectly well of the Japanese intention to attack the United States before the incident of Pearl Harbor.

A I don't know whether you are stressing Pearl Harbor or the fact that two days before the attack on Pearl Harbor we received a telegram from Tokyo to the effect that a conference was to be counted on. I was asked whether we knew of the fact of the attack on Pearl Harbor, and to that I said: "No." I said: "We in Berlin had no conference between the SKL on the one hand and the Japanese Naval Staff". Is that what you are submitting to me?

Q I want to deal with that, but I want to read out to you what your Commander in Chief said about that and see what you will say you know. On the interrogation of Admiral Raeder on the 10th of

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November, 1945, he was asked:

"Q Would negotiations as to the intervention of Japan be embraced by the foreign office people alone or would they be in collaboration with the High Command of the Navy and the OKW?"

And Defendant Raeder's answer was that:

"A. No negotiations were made between the foreign office and on the part of the Japanese. There was this delegate Oshima, who was an officer. He negotiated with the foreign office in his capacity as a delegate, but apart from that he was sufficiently an expert to determine at this time from a military standpoint as well. Military authorities had long before that carried on negotiations with military and naval attaches about the matters that the Japanese needed. This was all talked about and thrashed out with the military and naval attaches."

That is a very different version of the fact from the version you have given, witness, is it not? Now, there are two more matters I want to deal with.

MR. ELWYN JONES: I don't know whether it will be convenient, My Lord, to have a brief adjournment.

(A recess was taken).

MR. ELWYN JONES: May it please the Tribunal, with regard to the extract from the interrogation of the defendant Raeder, he was then dealing with the relationship generally between the German authorities in Berlin and the Japanese representatives. I do not want to have given the Court the impression it was a drect negotiation with regard to the intervention against America. I do not want to mislead the Court in any way with regard to that matter.

BY MR. ELWYN JONES:

Q Did you know of the shooting in December, 1942, by a naval unit belonging to the German Navy at Bordeaux of a ship in command of two British Royal Marines in the Girond Estuary?

A I was told aboutthat afterwards, later.

Q Did you see the entry with regard to that shooting in the SKL war diary?

A No, through defense counsel I was shown an entry, but I do not

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know whether it was the war diary of the Naval Command or the SKL.

Q It has been suggested by both counsel for defendant Doenitz and counsel for defendant Rader that the entry in D-658, which contained the sentence; "The measure would be in accordance with the Fuehrer's special order, but nevertheless from the character of international law, since the soldiers were in uniform, it has been suggested that entry was not from the SKL war diary." Now, you are familiar with the initials of the defendant Raeder, are you not?

A May I look at the original of D-658, so that it may be established beyond aperadventure that this matter was entered in the SKL war diary?

MR. ELWYN JONES: I will put in a photostatic copy of the original if the Tribunal will allow me, as my ofiginal is required for other purposes. D-658 was GB 229, and it may be convenient that our photostats of the originals be shown as D-658-A and GB-229-A.

BY MR. ELWYN JONES:

Q That is the war diary of the SKL, is it not?

A Yes, I recognize it as such.

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A Yes, I recognize it as such.

Q And the SKL was perfectly familiar with that dreadful murder of the men at Bordeaux, wasn't it?

A From the war diary I can see -- such is my impression -- that afterward on the 9th of December they were informed about the fact of the shooting.

Q And their laconic comment was --

A In the communique of the Armed Forces -- Wehrmachtsbericht -- it says here literally, "According to Armed Forces report, two soldiers have been shot in the meantime." This can be seen in the war diary of the SKL and I recognize and confirm it.

Q And the comment of the SKL is, "It is something new in international law, since the soldiers were in uniform."

A Yes.

Q The final matter which I wish to ask you about: Is it your contention that the German Navy fought a clean war at sea?

A I contend that the German Navy fought an extremely clean war and that has nothing to do with the fact that it is said here in the diary of SKL, which was taken from the Armed Forces report, that two soldiers were shot. That was the special order given by the Fuehrer which was mentioned, but as a Naval War Command it was a novum in the history of naval warfare.

Q I am turning to another matter, but you say generally --

A May I say in conclusion only that this postscript was entered but Raeder had no influence in these matters. If you ask me whether I approved that order or something like that I could give you my opinion, or whatever Raeder and I discussed --

Q But Raeder was Commander-in-Chief of the Army and Navy, and who would have influencein the Navy if the Commander-in-Chief didn't have influence Here was a matter directly reflecting on the honor of German Armed Forces and despite that deliberate denial of the protection of the Geneva Convention in this matter he continued in office, after these men were deliberately murdered.

A That is a distortion. May I put my position as follows: The facts

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The facts are these: That in this war, for the first time, a form of sabotage, be it behind the lines, from the air or brought behind the lines in some way, was introduced.

Q These were marines in uniform. Your own report in the SKL diary says so.

A I have to comment on that order which has been given before. The preamble of that order was, since on the basis of knowledge of orders which we captured -- I don't remember the wording any more -- but since it has become clear that these soldiers in the so-called commando raids received orders not to bother taking German prisoners, but shoot them, the following directives had to be issued. At that time I had discussions with Raeder about that case, of course, and I can only say that my personal opinion was as follows:

I felt that I could believe that preamble because I am of the opinion that when I come to the means of sabotage behind thelines, thatof course I cannot be bothered with the taking of prisoners because then the element of surprise in this case -- our surprise -- would be excluded. If therefore a troop of three to five men, a so-called commando undertaking, is sent behind the lines in order to bring about destruction, then of course they cannot burden themselves with German prisoners without running the risk of being killed themselves or recognized before they can carry out their undertaking. Therefore I considered that preamble quite credible and I expressed my opinion at that time.

Q And you think that that shooting of these two marines therefore was perfectly justified? That is your position on this matter, and just say yes or no on that; I won't argue with you.

A I have not said that in any way. I only said, here is a fact of which we were only informed by the Armed Forces report, and that Raeder and the High Command had not been heard on that point. That is what I pointed out.

Q Now, the final matter I wanted to ask you about is, you have indicated that in your opinion Germany fought a clean war at sea. I want to submit D-873, new document, which will be GB 481, the log book of U-boat U-71, under the dateline 21st of June, 1941, when the Defendant Raeder was Commander-in-Chief of the German Navy. You see the entry reads:

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"Sighted lifeboat of the Norwegian motor tanker John P. Penderson drifting under sail. Three survivors were lying exhausted, under a tarpaulin and only appeared when the U-Boat was moving away again. They stated that their ship had been torpedoed twentyeight days before. I turned down their request to be taken aboard, provisioned the boat with food and water and gave them the course and distance to the Icelandic coast. Boat and crew were in a state that, in view of the prevailing weather, offered hardly any prospects of rescue."

Is that your conception of a clean war at sea?

A I want to emphasize that the commanding officer did what he could, inview of the weather he described, that in view of the prevailing weather, rescue could not be carried out, that he provided them with food and water and gave them the course to the coast. I could not say why that should be inhumane. If he had left without giving them food and the course, then you might make that accusation.

Q He could have taken them aboard, youknow. These were three men --

A No, I believe you cannot judge that. Only the commanding officer himself can judge that, the man in charge of the U-Boat. I should have to look at the weather, because it says here, "Medium swell"--

Q The U-Boat commander must have spoken to these people and physicall; it must have been possible to take them aboard, but he left them to their fate, you know, knowing quite well that he was leaving them to die.

A No, not at all. Then he did not have to give them any food and did not have to give. them the course to the coast.

Q The last sentence is a clear indication that the U-Boat captain knew he was leaving them to die. I am suggesting that he could have taken them aboard and might have done so if he had the elements of humanity in him.

A No; I do not know the state of the U-Boat, whether the boat was in a position to take prisoners on board. I believe that you haven't seen conditions on a U-Boat; otherwise you wouldn't judge it like that. The crew of a U-Boat which has been under water for weeks uses every bit pf space to the last and is exposed to dangers day and night. One cannot say this

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would be a necessity. Besides, the commanderhimself said there was no chance in view of the prevailing weather.

(This concluded Mr. Elwyn Jones' cross-examination of the witness.)

REDIRECT EXAMINATION

BY DR. SIEMERS:

Q Admiral, I have some questions concerning a few points which Mr. Elwyn Jones put to you.

There has been put to you the document by Assmann of the 10th of October, 1939, an entry under the 10th of October, with the assertion that from this it could be seen that Raeder wanted to occupy Norway only in order to have bases along the Norwegian coast. I should like to read to you the full entry, and I should like you to speak to the entire document:

"The Fuehrer agrees that the true battleship should not be put to use. Russia has offered bases near Murmansk. Question of siege of England. Fuehrer and High Command Navy agree that all objections by neutrals have to be rejected, also the danger of entry of U.S.A., in the war which would continue the duration of the war. The more 'brutal' that war is conducted, the sooner the end, the shorter the war. Capacity for large production program, submarine program. Fuehrer rejects suggestion to have submarines built by Russia -- from Russia -- for political reasons. High Command Navy states no advantages by conquest of Norwegian coast. Fuehrer will consider question."

Admiral, according to the entire contents, is this a complete clarification of the Norwegian problem?

A No, not at all.

Q Do I see correctly that here a great number of questions are treated and therefore only one strategic --

MR. ELWYN JONES: The translation came through ,"no occupation of Norwegian coast," andthe translation of the document of Raeder stresses the importance of obtaining Norwegian bases. I am not saying this in a critical sense --

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THE PRESIDENT: Did you give that an exhibit number?

MR. ELWYN JONES: No, My Lord. That is the entry from Assmann's headline diary.

THE PRESIDENT: Yes, I know it. But I want to know the exhibit number.

MR. ELWYN JONES: I will have an extract made and the exhibit number given this evening, my Lord.

THE PRESIDENT: It would be GB 482, would it not?

MR. ELWYN JONES: Yes, my Lord, that is it; GB 482.

DR. SIEMERS: Mr. President, I beg your pardon if it does not agree; but I have that material from which I read. I received that by the courtesy of Mr. Elwyn Jones.

THE PRESIDENT: You had better go into the question of translation, and get that settled.

MR. ELWYN JONES: Yes, your Lordship.

BY DR. SIEMERS:

Q At any rate, admiral, in considering that entry of the 10th of October -- that is, of the same conference -- am I right in saying that there were many strategic questions, so one could not say of any one of these strategic questions that question had been treated completely and finally?

A No. I believe that complexity of questions had nothing to do with the long discussion between Hitler and Raeder concerning the occupation of Norway. It touches the question of the occupation of Norway, and then discusses a few points which Raeder probably had taken down in his notebook. Independently of that question, whether an occupation of Norway was necessary or not, that question has been discussed by coincidence on the same day, the possibilities of acquisition of bases outside of German territory.

Q Therefore, one spoke about Murmansk which had been offered by Russia.

A From Russia all along the entire coast, wherever there were possibilities for the continuance of submarine warfare

Q In the naval diary, a sentence dealing with the conference between Raeder and Hitler was in quotation marks. Were these words which were used by

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Hitler? Can one assume that?

MR. ELWYN JONES: If your Lordship please, the translation has now been checked, and the original reading of "Raeder stresses the importance of obtaining Norwegian bases" appears to be a perfectly correct translation.

THE PRESIDENT: Go on, Dr. Siemers.

THE WITNESS: I understood, doctor. Shall I speak about that?

BY DR. SIEMERS:

Q Yes. Do you want to say something about that point?

A Yes. I understand that the other gentleman just pointed out that Raeder allegedly mentioned the necessity of acquisition of bases for submarines to Hitler, and in that connection, that he once spoke about support from Russia, and on another occasion about the possibility of bases from Norway. But that does not reveal any intention of attack.

DR. SIEMERS: Mr.President, I asked Dr. Kranzbuehler also to check the translation. The German text says, which I should like to point out right now, "Weist hin auf den wert", "points out the importance, or the value." That is something different from the English translation. But may I come back to this later?

BY DR. SIEMERS:

Q Admiral, Mr. Elwyn Jones then submitted the affidavit of Walter Giese. I should be grateful if you would look at it again. It is D 722. The first line reads:

"I was born in Stettin on the 24th November, 1900, as the son of the foreman bricklayer, Ernst Giese."

Then it says, "I sat in the ante-room of the Supreme Commander as assistant to the adjutant."

Then it says, in the same paragraph "I received the Register from the Adjutant at midday after the callers had departed, to lock it up in the joint armour-plated safe."

Then it says on the second page "I did not have much contact with the Supreme Commander personally - this consisted rather in my submitting to, or fetching from, him top secret correspondence."

Admiral, do I say correctly that Giese, therefore, was a sort of messenger?

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A Yes. In order to save officers, we put civilians in a large number of positions, people who we thought were worthy of our confidence. That job of administering a strong box or carrying the key was the job really of a second adjutant, who later had to be shelved.

Giese had been a clerk in the navy, and therefore had had a certain amount of practice in keeping books.

THE PRESIDENT: If there is anything inaccurate in the document, you can put it to him. But it all is set out in the document, exactly as the admiral said. You are wasting the time of the Tribunal in saying it here.

DR. SIEMERS: Mr. President, I believe what Mr. Elwyn Jones presented is also in the document. What matters is the question of interpretation. If I should be mistaken, I beg your pardon. But the witness has been confronted with certain points, and I believed that I had the right in the re-examination also to point out certain paragraphs in the document. I can be very brief.

THE PRESIDENT: If you want to, you can draw our attention to the paragraphs.

THE WITNESS: I can be very brief.

Giese had no inside information about the facts, and if he had looked into the minutes of the conference, which was no verbatim shorthand record but only a personal note for the memory of the adjutant, he, without having taken part in the conference, could never have gotten the correct information. He had no decision in hand as to who should be admitted to see the commander-in-chief, but only the adjutant; that is to say, myself. He could not even know who could be admitted. It is an incorrect assumption when he says that Hagelin saw Raeder without seeing me first.

BY DR. SIEMERS:

Q Do you believe Giese was present when Raeder talked to Hitler?

A Giese? No, never. Giese sat in the ante-room and took care of the telephone calls.

THE PRESIDENT: Dr. Siemers, nobody here suggested that he was. Mr. Elwyn Jones was not putting it that this man Giese was questioned at talks between Raeder and the Fuehrer or Raeder and Hagelin.

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DR. SIEMERS: Mr. President, this is his affidavit, and in the affidavit, we read, which I would like to point out, on page 3, he says "According to all I heard, I can say that the idea of this undertaking emanated from Raeder and met with Hitler's joyous agreement."

THE WITNESS: How could he know that? I only know that I as chief of staff was not present at these conferences, and Giese had no other possible source of information than to draw upon his imagination.

BY DR. SIEMERS:

Q I come now to Document D 872. That is the war diary of the Naval Attache in Japan, with which you were confronted. But according to it, you should have known that Japan, on the 7th of December, would attack America. The telegram which is mentioned here is of the 6th of December. When could that telegram have arrived in your office?

A You mean, when could I have received it personally?

Q Yes; or Raeder?

A Not before the next morning.

Q That would be the 7th of December.

A In this case, the chief of staff of the naval warfare command had to decide, and he was the one who decided whether for operational reasons that telegram should be presented at once, or not.

Q Admiral, you remember that document?

A Yes.

Q Is Pearl Harbor mentioned in the document?

A No. I tried to explain that, that Pearl Harbor had no connection with that telegram by Admiral Daenecker. It is not identical with it. And Daenecker depended on sources of information, and his assumption was based on this information which I formulated in that telegram, without having any definite evidence.

Such telegrams were received continuously. Sometimes these assumptions were correct; sometimes they were incorrect.

Q The prosecution has submitted it to prove that military negotiations had taken place with Japan. Am I correct in saying that that was only a message about eventualities?

A Yes, of course. I have tried before to explain that there were no military negotiationsbetween general staffs. But the naval attache is charged with transmitting all information, after examination, to us.

Q Now, you have been confronted with a document which was not submitted, but was an interrogation of Raeder of the 10th of November, 1945. May I ask you to look at page 5, at the bottom of that page of the document which I have handed to you, and the passage which is presente d on page 6?

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THE PRESIDENT: That ought to have a number, ought it not?

MR. ELWYN JONES: That will be GB 483, My Lord.

BY DR. SIEMERS:

Q On that document, page 5, on the bottom it says Document C 75; that is mentioned?

A No.

Q I believe you are mistaken or I have made a mistake.

A I have an English copy -- do you mean the English one?

Q Yes, the English copy because it doesn't exist in German.

A You mean the last paragraph?

Q I believe the last line or the line before the last. The English translation is hard to read. Maybe you have the wrong page.

DR. SIEMERS: In the case of this interrogation, mr. President, we deal with document C 75. I believe the witness will find it right away. Mention has been made of that document recently and, according to the wish of the Tribunal which has been stated recently, I submit C 75; that is Directive 24, about the cooperation with Japan, and the full text is Document Raeder No. 128. The Tribunal will recall that --

THE PRESIDENT: I think it has already been put in. C 75 hasn't it already been put in?

DR. SIEMERS: I submit it now, C 75.

THE PRESIDENT: No, has it already been put in? Has it already been offered in evidence?

DR SIEMERS: You may recall that the Prosecution has submitted Document C 75 as U.S. --

THE PRESIDENT: It has already been put in. It doesn't want a new number, isn't that correct?

DR. SIEMERS: Mr. President, may I remind you that it needs a new number because only the first part was submitted, the first paragraph.

MR. ELWYN JONES: U.S.A. 151.

THE PRESIDENT: Well, we are not giving fresh numbers, Dr. Siemers, to part of documents which have already been put in. If the document has been put in, then where you want to use a fresh part of the document it has the same number as the old number; that is all.

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DR. SIEMERS: Mr. President, but if the Prosecution in their document only puts in the first two paragraphs --

THE PRESIDENT: I know that perfectly well, and you are entitled to put in any part of the document. It is only a question of what number is to be given to it and I think -- I may be wrong -- that up to the present we haven't given new numbers to documents once that they have been put in although fresh parts of the document are put in.

DR. ELWYN JONES: My. Lord, the position with regard to C 75 is that the whole of the original has been put in as U.S.A. 151 but only an extract from the original was included in the English document which was put before the court.

THE PRESIDENT: I see. All I was concerned with was the number of the thing It has got the number U.S.A. 151 and I thought our practice had been that it should continue to have that number. You can put in any part of it you like, and if it is a question of translation, no doubt the Prosecution will hand it to the translation department and have it translated for you; but you are attempting to give it a new number, that is all.

DR. SIEMERS: I beg your pardon, but I have been asked recently to submit the document anew and that is where the misunderstanding arose. Under these circumstances, now that i hear that it has been submitted entirely, I can withdraw that, I should be grateful if the Tribunal would also receive the complete translation of the document in English and not only the first two paragraphs.

BY DR. SIEMERS:

Q Admiral, have you found it in the meantime?

A Yes. It is on page 7 and I was looking at 5.

Q Well, I apologize to you. It is right, therefore, that the interrogation refers to Document C 75. Document C 75, Admiral, is Directive No 24 concerning collaboration with Japan, and it says: Concerning collaboration with Japan, it is necessary to defeat England quickly and thereby keep the U.S.A. out of the war: and besides that, the document also mentions that which I have mentioned recently, that Singapore should be occupied by Japan. Now Raeder, on the 10th of November, 45, has stated his position on that and, according to the next page of the document, he said that which Mr. Elwyn Jones has just put to you. May I ask you to look at it again? It says there, on page -- I thought it was at the top of page 6. Maybe it is page 7.

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A The top of page 8. I do not speak Englishh as well as German, but I would translate it as that which Japan needs.

Q If I remember correctly, the word is "needs".

A Of the things which Japan needs.

Q That is to say, the needs of Japan and other things which Japan requires Therefore, the conversations mentioned by Raeder were not concerned with strateg points?

A No; that is entirely two different things.

Q So that the answer of Raeder is concerned purely with questions of mater

A Yes, purely questions of materials. Discussions of that kind we had with all navies, not only with the Japanese.

Q Then I come to the Commando order about which you testified already. I o want to put to you the following: You have been shown Document 658, which says that according to armed forces reports soldiers were executed and where mention is made of the fact that the soldiers wore uniforms and that the order of the Fuehrer was something new in international law. I believe that the Naval Command in Chief in Western France reported that and that is a report by the armed force and that the men who wrote it, who put the entries in the War Diary wrote a new thing in international law. I should like to ask you, would you consider that a criticism of the order?

A I believe that I have to answer the question in the following manner: Normally, the fact of an execution is not entered in the War Diary --

THE PRESIDENT: I don't think that is really a matter which we can go into, whether he thinks this is a criticism of the order.

BY DR. SIEMERS:

Q It is a question concerning the facts. The Prosecution asserts again that there were soldiers in uniform concerned. The Wehrmacht communique carried information about the execution of the 9th of November and that execution, as I have proved, took place on the 11th of December. I am presenting to you now the Document UK 57, and ask you to look at the second paragraph under Figure 4. The heading is concerned with sabotage against German ships near Bordeaux of the 12th December, 1942, and further on we read: The participants had presented Girond with canons coming from submarines. They carried a special grey uniform. After carrying out the blastings they sank the boats and tried, with the aid of French

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civilians, to escape to Spain in civilian clothes. Did these soldiers behave correctly according to international law?

A In my opinion, no.

DR. SIEMERS: Then I have no more questions. -- Excuse me, one final questi

Q Did you personally, in the high command before that execution which was carried out on the order of the Fuehrer directly, was any inquiry made to you or did you receive any information?

A No, neither inquiry nor any information of any kind.

DR. KRANZBUEHLER: Mr President, the question arose as to whether a docume concerning Norway had been translated correctly. I should like to identify the number. The English translation, which I have beforeme. is not identical with the German original. It deviates considerably. It is the Document GB 482.

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I read the German original text which, in my opinion, is not according to the English translation.

"The High Command of the Navy states: Conquest of Belgian coast provides no advantage for submarine warfare. In view of Norwegian base (Trojndheim) with the support of pressure from Russia, the Fuehrer will consider question."

THE PRESIDENT: Dr. Kranzbuehler, it would save time really if we have the sentence which is said to have been wrongly translated referred to a committee of experts in the translating division. It is not worth while wasting time over.

DR. KRANZBUEHLER: I beg your pardon, I did not know that it should have been examined again.

THE PRESIDENT: I think we had better have it examined and then the translation certified to.

DR. KRANZBUEHLER: I beg your pardon, Mr. President.

Mr. President, I, Myself, have a question to the witness

BY DR. KRANZBUEHLER:

Q Admiral, the document 873 has been put to you before. That was a war diary of U-71 and was concerned with three Norwegian in a lifeboat. The entry was on the 21st of June. I have already submitted it to the Tribunal under Doenitz No. 13, on page 23 of my document book, a statement by the above-mentioned commanding officer Flaechsenberg. According to that statement, the submarine was put to sea on the 14th of June. It was west of Norway. Can you tell me if that U-boat therefore, on the 21st of June, was putting out for operation or returning from operations?

A You mean from memory?

Q No, you have the dates.

A On the 14th of June put to sea and on the 25th of June going out.

Q As you know, that submarine was a 500-ton boat. Is a boat of that size in a position to carry out an operation over several weeks with three additional people on board?

A I believe not. I am not enough of an expert in order to decide or judge definitely what an additional of personnel aboard may mean but, aside from that, I do not believe that such a small boat, which is putting out to sea for a longer operation, can be charged with prisoners. I do not consider that possible.

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THE PRESIDENT: The witness can retire.

DR. SIEMERS: Yes, then, with the permission of the Court, the witness may retire.

DR. SIEMERS: Mr. President, according to my statement made at the beginning of this case, I have submitted the majority of my documents already during the testimony. With the permission of the Tribunal, may I proceed now to submit as quickly as possible the remainder of the documents with a few accompanying statements.

I submit to the Tribunal Raeder Exhibit No. .8, an excerpt from the document book 2, page 105, an excerpt from the book which Churchill has written in the year 1935 under the title "Great Contemporaries". I ask the Tribunal to take official notice of the contents. Churchill points out that there are two possibilities that one cannot say whether Hitler will be the man who will start another world war or whether he will be the man who will restore honor and peace for the great German nation and bring it back serene, helpful and strong to the forefront of the European family circle.

As Raeder Exhibit No. 20, I submit a short excerpt from Adolph Hitler's "Mein Kampf", considering that the Prosecution has said that from that book one could see that Hitler intended to wage aggressive wars. I believe I shall be able to show how much one can see from that book. I ask to take judicial notice of the short excerpt on page 154. I read: "For such a policy there was but one ally in Europe, England."

Raeder Exhibit No. 21, a speech made by Hitler to the German Reichstag on the 26th April 1942, as evidence to show how liberties were limited in Germany and the dictatorship was strengthening itself.

In document book 4, Raeder Exhibit No 65, to facilitate my arguments about the Hague Convention, about the rights and duties of neutrals in naval warfare, I need that in connection with Raeder Exhibit No. 66, in the expert statement by Dr. Mosler.

THE PRESIDENT: Can you give us the pages?

DR. SIEMERS: Page 289 in document book 7. It is the first page of the document book No. 4.

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THE PRESIDENT: Yes.

DR. SIEMERS: Then I ask the Tribunal to be kind enough to take document book No. 5. Here are documents which have already been submitted. I submitted it as Raeder Exhibit No. 100, document book 5 page 437, which is a document from the "White Book" concerning the meeting of the French General Staff of th 9th of April 1940, top secret, President Daladier, Gamelin the Minister of the Navy, Colonial Minister, the Air Minister. It concerns the suggestion by Daladier to move into Belgium. The suggestion was supported by General Gamelin and also by the Minister for International Defense on War. On page 442 there is mentioned about the march into Holland and finally of the area of Luxembourg. Since the High Tribunal has knowledge of the details from the discussion of the documents, I should not like to read anything from these documents. I only ask the Tribunal to take judicial notice. I should only like to point out that on page 443 of that very long document, mention is made of the occupation of the Port of Narvik and of the intention to capture the mines of Dalavada.

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I submit then Raeder Exhibit No. 102, in the same document book page 449. This deals with the order to the Second Belgium Grenedier Regiment of 13 April 1940 concerning information about Allied troops and the establishment of a fortified position. It can be seen from the document that the friendly troops mentioned are the Allies.

Then I submit Raeder Exhibit 103, page 452, which is a French document of 16 April 1940 of the High Command of the French Army concerning measures about the rail transportation of French troops into Belgium.

I ask the Tribunal to take judicial notice of all of these documents, which I shall not read in detail.

The same applies in the case of Raeder Exhibit No. 104, document book 5, page 455, which is the order of the Second British Division concerning security measures in Belgium of 9 April 1940. There we find a directive similar to the document which has been submitted by the Prosecution. That is a directive to get in touch with Belgium civilian authorities.

Raeder Exhibit No. 105, document book 5, page 459, is the statement of a Luxembourg citizen which shows that 200 men, French soldiers in uniform, seven days before the outbreak of German-Belgium hostilities, entered Luxembourg in armoured cars.

May it please the Tribunal, I originally intended not to submit anything concerning the character of my client, because I was of the opinion that Admiral Raeder, both at home and abroad, enjoyed sympathy and respect. The first trial brief against Raeder made me adhere to that intention. Shortly before the presentation of that trial brief, it was changed, and the new form was considerably more severe, concerning moral accusations which seriously injure Raeder's honor.

I have no doubt that the High Tribunal understands why, under these conditions, I ask to be permitted to submit documents which are concerned with the character of Raeder.

I submit Raeder Exhibit 119, document book VI, page 541.

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That is a letter from Frau von Poser to me. It is not an afficavi and quite purposely I have submitted the original because, in my opinion, it will give a more original impression than an affidavit for which as Counsel I am asking to be granted permission.

Then there is also a longer letter by Professor D. Seilt, who on his own initiative approached me. I submit Raeder Exhibit No. 120, which is also in document book VI, Page 517. I would be grateful to the Tribunal if it would take judicial notice of that letter. In order to save time, since it is ten pages long, I would not like to read it.

Then I submit Raeder Exhibit 122, Document book VI, page 526, a letter from Mr. Erich Katz, which I submit with the appendices, and ask that the Tribunal take judicial notice of it, in order to present one of the cases in which Raeder intervened personally, and for personal reasons, by making full use of his influence and position. In this position he intervened for Mr. Katz who had been attacked for being Jewish, and protected him and succeeded in protecting him. Mr. Katz, on his own initiative, has sent me these documents in order to show his gratitude.

Raeder Exhibit 123. I submit a letter from Guenter Jacobson that concerns a similar case. Jacobson was not approache by me either, but on his own contacted me in order to testify that Raeder intervened for his father, who as a Jew had been accused of race disgrace and sent to a concentration camp hospital, which I believe was still a prison at that time, but he saved him so that Jacobson could emigrate to England, where is is still living now

I submit as Raeder Exhibit No. 124 an affidavit--

GENERAL RUDENKO: Mr. President, I must make the following statement. All four exhibits mentioned just now by Dr. Siemer are personal letters from various persons to Dr. Siemers. They are not sworn affidavits. They are not interrogations. Therefore these documents have little probitive value, and I wonder whether they ought to be admitted as evidence. Many letters are received, and if they were all to be submitted to the Tribunal, the Tribunal

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would have great difficulty in establishing the truth and how far they are of probitive value. In that connection, I personally object to the fact that these documents should be accepted as evidence in Raeder's case.

THE PRESIDENT: The Tribunal does not think that the matter is of sufficient importance to insist upon the evidence being upon oath. The documents are admitted.

DR. SIEMERS: As Raeder Exhibit No. 124 I submit an affidavit of Konrad Lotter. That is a very short statement, and with the permission of the Tribunal, I should like to read that one page:

"Admiral Raeder has always appeared to me as a man who embodied the best traditions of the old Imperial Navy. This was true particularly in a world-philosophical respect. As a man and as an officer he was at all times the best model imaginable.

"In 1941, when the anti-Christian policy of the Hitler regime commenced with its full might in Vavaria, when Monasteries were closed and in the education of youth the intolerance against every creed became crassly manifest, I sent a memorandum of twelve pages to the Admiral in which I presented to him my arguments against this policy. Admiral Raeder intervened at once. Through his mediation, I was called to the District Leader and Minister of the Interior, Wagner, at Munich. After a series of discussions between the clerical, governmental and party authorities, an agreement was reached which had the result that the school prayer was retained, the crucifix was allowed to remain in the schools, etc., furthermore, 59 priests who had been fined 500 marks each were pardoned.

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"The closing down of monastaries was also halted at that time. Gauleiter Wagner had to defend himself" - -

THE PRESIDENT: (Interposing) Dr. Siemers, all these documents have been read by us very recently.

DR. SIEMERS: Very well. Then I just ask the Tribunal to take judicial notice of the remainder.

I submit also the two last documents, Raeder Exhibit No. 125 and Raeder Exhibit No. 126. No. 125 is an affidavit by the former Reich Defense Minister Dr. Otto Gessler, and Raeder No. 26 is an affidavit by the Navy Chaplain Ronneberger. I ask you to take judicial notice of this latter document.

I would like to be permitted to read the short affidavit by Dr. Gessler because it has not only a purely personal part, but also a part which concerns the accusations against Raeder:

"I, Gessler, have known the former Admiral of the Fleet Dr. Raeder personally since about the middle of the 20's when I was Reich Minister of National Defense. Raeder was then Inspector of the Educational System in the Navy. I knew Raeder always as a man of irreproachable, chivalrous disposition, as a dutiful man. As to the subject of the indictment, I know very little.

"Raeder visited me repeatedly after my release from the Gestapo in March 1945 when I was laid up in the Hedwig Hospital in Berlin and he helped also with my removal home, as I was ill and fully exhausted. I also told him then about the ill treatment which fell to my lot, especially the torture. He was obviously surprised and indignant. He said he would report this to the Fuehrer. I asked him at once to refrain from that, for I had been told before the torture, and officially, that all of this was taking place at the explicit orders of Hitler. Moreover I knew definitely that I would immediately be rearrested, as on my release I had to sign the well known declaration (Revers) and could not even obtain a confirmation of my detention in order to get a ticket for my trip home.

"I learned nothing about secret armaments in the Navy, neither during my term of office nor later. During my term of office, until January 1928, Admiral of the Fleet Raeder would not have been responsible either, for he was at that time not Chief of the Naval Command.

"At the time of the National Socialist regime I was partly ignored by my form department and partly snubbed. One of the few exceptions to this was Dr. Raeder.

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Before 1939 he invited me three times to a visit on the cruiser Nurnberg, although I refused twice. During the visit in June 1939, he came to Kiel personally to greet me. At that time we also discussed the political situation. I expressed the apprehension that an attack on Poland would mean a European war. Raeder declared positively that he considered it out of the question that Hitler would attack Poland. When this did happen later, however, I explained this to myself on the grounds that Hitler liked to place even the highest militarists face to face with accomplished facts."

Then there is the statement "under oath" and the signature of the notary.

As to the last Raeder Exhibit, No. 126, Ronneberger, I ask the Tribunal to take judicial notice of it. It is a factual description about questions of the church and the Navy Chaplain's office.

Mr. President, with that, with the exception of three points, I can conclude my case. First and second, there are still two interrogatories missing which have not yet been returned. I ask permission to submit these as soon as I have received them.

Then, there is the matter of the witness General Admiral Boehm, who has already been approved, who on account of illness could not appear until now. The British delegation, through Sir David, has been kind enough to agree that if necessary this witness can be interrogated at a later date. May I be permitted to ask the Tribunal to keep this decision open, and if possible to permit that General Admiral Boehm should be questioned at a later date. I want to point out now that it will not be a large complex of questions such as it has been with Admiral Schulte-Moenting, which is already known to the Tribun from the material I have submitted.

This concludes my case Raeder.

THE PRESIDENT: The Tribunal will adjourn.

(The Tribunal adjourned until 23 May 1946 at 1000 hours.)